

LAWS GOVERNING MARINE INSPECTION



CG 227

MARCH 1, 1965

**UNITED STATES COAST GUARD
TREASURY DEPARTMENT**

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LAWS GOVERNING MARINE INSPECTION



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This pamphlet contains all the unrepealed provisions of Title 52, Revised Statutes (R.S. 4399-4500) and Acts of Congress enacted subsequent thereto pertaining to marine inspection up to the date of publication.

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FOREWORD

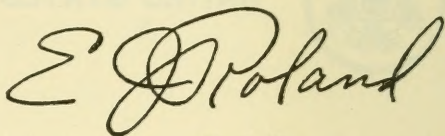
This publication contains a compilation of various marine safety laws from the United States Code (1958 Edition) pertaining to the inspection and navigation of merchant vessels, as well as certain other laws on directly related subjects, which are administered or enforced by the United States Coast Guard. It replaces the "Laws Governing Marine Inspection," dated June 1, 1962. The current laws reprinted herein were approved prior to March 1, 1965.

The text of the 1960 Safety of Life at Sea Convention, which will be in effect on and after May 26, 1965, is set forth herein as a separate chapter VIII.

General authority over the administration of the laws, rules and regulations governing the inspection and navigation of merchant vessels in the several Coast Guard Districts is delegated to the Coast Guard District Commanders in such districts. The rules and regulations prescribed by the Commandant, U.S. Coast Guard, which implement the marine safety laws in this pamphlet are published in the Federal Register and in title 33, chapter I, and title 46, chapter I, of the Code of Federal Regulations. In addition, certain rules and regulations on specific subjects are published in separate publications.

Attention is invited to section 492 of title 46, United States Code, contained herein, which requires every master or commander of any steam vessel carrying passengers to keep on board at least two copies of this publication. It may be obtained upon request from any Officer in Charge, Marine Inspection, United States Coast Guard, and their local addresses are set forth on the last two pages of this pamphlet.

It is most important that shipowners, operators, builders, vessels' operating forces, and other persons affected by these laws, rules and regulations familiarize themselves with the laws reprinted herein. To this end, Coast Guard personnel concerned with the administration of these laws will extend every possible assistance.



E. J. ROLAND,
Admiral, U.S. Coast Guard,
Commandant.

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LAWS GOVERNING MARINE INSPECTION

Chapter 1.—ORGANIC LAWS GOVERNING UNITED STATES COAST GUARD

SUBCHAPTER 1A.—GENERAL PROVISIONS

REORGANIZATION PLAN NO. 3 OF 1946

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 16, 1946, pursuant to the provisions of the Reorganization Act of 1945, approved December 20, 1945.¹

Part I. Department of the Treasury

SECTION 101. *Functions transferred to the United States Coast Guard.* (a) There are hereby transferred to the Commandant of the Coast Guard those functions of the bureau, offices, and boards specified in the first sentence of section 104 of this plan, and of the Secretary of Commerce, which pertain to approval of plans for the construction, repair, and alteration of vessels; approval of materials, equipment, and appliances; classification of vessels; inspection of vessels, and their equipment and appliances; issuance of certificates of inspection and of permits indicating the approval of vessels for operations which may be hazardous to life or property; administration of load line requirements; enforcement of other provisions for the safety of life and property on vessels; licensing and certificating of officers, pilots, and seamen; suspension and revocation of licenses and certificates; investigation of marine casualties; enforcement of manning requirements, citizenship requirements, and requirements for the mustering and drilling of crews, control of logbooks, shipment, discharge, protection, and welfare of merchant seamen; enforcement of duties of shipowners and officers after accidents; promulgation and enforcement of rules for lights, signals, speed, steering, sailing, passing, anchorage, movement, and towlines of vessels and lights and signals on bridges; numbering of undocumented vessels; prescription and enforcement of regulations for outfitting and operation of motorboats; licensing of motorboat operators; regulation of regattas and marine parades; all other functions of such bureau, offices, and boards which are not specified in section 102 of this plan; and all other functions of the Secretary of Commerce pertaining to those functions of the agencies abolished under section 104 of this plan which are not specified in section 102 of this plan, including the remission and mitigation of fines, penalties, and forfeitures incurred

¹ Effective July 16, 1946, under the provisions of section 6 of the act; published pursuant to section 11 of the act (Public Law 263, 79th Cong.).

under the laws governing these functions and those incurred under the act of December 17, 1941 (55 Stat. 808), as amended (47 U.S.C. 353 note).

(b) The functions relating to the award of numbers to undocumented vessels vested by law in the Collectors of Customs are hereby transferred to the Commandant of the Coast Guard.

SECTION 102. *Functions transferred to Bureau of Customs.* There are hereby transferred to the Commissioner of Customs those functions of the bureau, offices, and boards specified in the first sentence of section 104 of this plan, and of the Secretary of Commerce, which pertain to registry, enrollment, and licensing of vessels, including the issuance of commissions to yachts, the assignment of signal letters, and the preparation of all reports and publications in connection therewith; measurement of vessels, administration of tonnage duties, and collection of tolls; entry and clearance of vessels and aircraft, regulation of vessels in the coasting and fishing trades, and limitation of the use of foreign vessels in waters under the jurisdiction of the United States; recording of sales, conveyances, and mortgages of vessels; protection of steerage passengers; all other functions of such bureau, offices, and boards which were performed by the Bureau of Customs on behalf thereof immediately prior to the effective date of Executive Order No. 9083 of February 28, 1942 (7 F.R. 1609); and the power to remit and mitigate fines, penalties and forfeitures incurred under the laws governing these functions.

SECTION 103. *Powers of the Secretary of the Treasury.* The functions transferred by sections 101 and 102 of this plan may be performed through such officers and employees of the United States Coast Guard and the Bureau of Customs, respectively, as may be designated by the Commandant of the Coast Guard and the Commissioner of Customs, respectively, and shall be performed subject to the direction and control of the Secretary of the Treasury except as otherwise required by law with respect to the United States Coast Guard whenever it operates as a part of the Navy.

SECTION 104. *Abolition of agencies.* The Bureau of Marine Inspection and Navigation, the office of the director thereof, the offices of supervising inspectors, principal traveling inspectors, local inspectors, assistant inspectors, shipping commissioners, deputy shipping commissioners, and the Board of Supervising Inspectors, the Boards of Local Inspectors, the Marine Casualty Investigation Board, and the Marine Boards are hereby abolished. The Secretary of the Treasury shall provide for winding up those affairs of the said abolished agencies which are not otherwise disposed of herein.

REORGANIZATION PLAN NO. 26 OF 1950

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 31, 1950, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949¹ [sections 133z to 133z-15 of title 5].

DEPARTMENT OF THE TREASURY

SECTION 1. TRANSFER OF FUNCTIONS TO THE SECRETARY

(a) Except as otherwise provided in subsection (b) of this section, and subject to the provisions of subsection (c) of this section, there are hereby transferred to the Secretary of the Treasury all functions of all other officers of the Department of the Treasury and all functions of all agencies and employees of such Department.

(b) This section shall not apply to the functions vested by the Administrative Procedure Act (60 Stat. 237) [section 1001 et seq. of this title] in hearing examiners employed by the Department of the Treasury or to functions vested by any provision of law in the Comptroller of the Currency.

(c) Notwithstanding the transfer to the Secretary of the Treasury of the functions of the United States Coast Guard and of the functions of the Commandant of the Coast Guard, effected by the provisions of subsection (a) of this section, such Coast Guard, together with the said functions, shall operate as a part of the Navy, subject to the orders of the Secretary of the Navy, in time of war or when the President shall so direct, as provided in section 1 of the Act of January 28, 1915.

SECTION 2. PERFORMANCE OF FUNCTIONS OF SECRETARY

The Secretary of the Treasury may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee of the Department of the Treasury of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.

SECTION 3. ADMINISTRATIVE ASSISTANT SECRETARY

There shall be in the Department of the Treasury an Administrative Assistant Secretary of the Treasury, who shall be appointed,

¹ Effective July 31, 1950, under the provisions of section 6 of this act; published pursuant to section 11 of this act.

with the approval of the President by the Secretary of the Treasury under the classified civil service, who shall perform such duties as the Secretary shall prescribe, and who shall receive compensation at the rate of \$14,000 per annum.

SECTION 4. INCIDENTAL TRANSFERS

The Secretary of the Treasury may from time to time effect such transfers within the Department of the Treasury of any of the records, property, personnel, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of such Department as he may deem necessary in order to carry out the provisions of this reorganization plan.

ASSIGNMENT OF FUNCTIONS UNDER REORGANIZATION PLAN NO. 26 OF 1950

The following Treasury Department Order 120 (15 F.R. 6521) was issued by the Secretary of the Treasury under date of July 31, 1950:

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, it is directed that officers, employees, and agencies of the Treasury Department shall continue to perform the functions they were authorized to perform immediately prior to the effective date of the Reorganization Plan, and authorized regulations and procedures in effect immediately prior to the effective date of the Reorganization Plan shall continue in effect until changed by the appropriate authority.

NOTE.—Since the Treasury Department Order 120 continued statutory functions in the same manner and to same extent as though Reorganization Plan No. 26, 1950, had not been issued until such time that other actions are taken by appropriate authority to change the administration of the laws affected by this Plan, the text of the laws affected by this Plan were not changed to show effect of this Plan. Subsequent Treasury Department orders containing specific delegations of authority are printed with the laws affected.

Establishment of Coast Guard

14 U.S.C. 1

The Coast Guard as established January 28, 1915, shall be a military service and a branch of the armed forces of the United States at all times. The Coast Guard shall be a service in the Treasury Department, except when operating as a service in the Navy. (Aug. 4, 1949, c. 393, § 1, 63 Stat. 496.)

Primary duties

14 U.S.C. 2

The Coast Guard shall enforce or assist in the enforcement of all applicable Federal laws upon the high seas and waters subject to the jurisdiction of the United States; shall administer laws and promulgate and enforce regulations for the promotion of safety of life and property on the high seas and on waters subject to the jurisdiction of the United States covering all matters not specifically delegated by law to some other executive department; shall develop, establish, maintain, and operate, with due regard to the requirements of national defense, aids to maritime navigation, ice-breaking facilities, and

rescue facilities for the promotion of safety on and over the high seas and waters subject to the jurisdiction of the United States; shall engage in oceanographic research on the high seas and in waters subject to the jurisdiction of the United States; and shall maintain a state of readiness to function as a specialized service in the Navy in time of war. (As amended Oct. 5, 1961, Public Law 87-396, § 1, 75 Stat. 827.)

Relationship to Navy Department

14 U.S.C. 3

Upon the declaration of war or when the President directs, the Coast Guard shall operate as a service in the Navy, and shall so continue until the President, by executive order, transfers the Coast Guard back to the Treasury Department. While operating as a service in the Navy, the Coast Guard shall be subject to the orders of the Secretary of the Navy who may order changes in Coast Guard operations to render them uniform, to the extent he deems advisable, with Navy operations. (Aug. 4, 1949, c. 393, § 1, 63 Stat. 496.)

“Secretary” defined

14 U.S.C. 5

As used in this title, the term “Secretary” means the Secretary of the respective department in which the Coast Guard is operating. (Aug. 4, 1949, c. 393, § 1, 63 Stat. 497.)

Secretary; general powers

14 U.S.C. 92

For the purpose of executing the duties and functions of the Coast Guard the Secretary may within the limits of appropriations made therefor:

(a) establish, change the limits of, consolidate, discontinue, and re-establish Coast Guard districts;

(b) arrange with the Secretaries of the Army, Navy and Air Force to assign officers and enlisted men of the Coast Guard to any school maintained by the Army, Navy, and Air Force, for instruction and training, including aviation schools;

(c) construct, or cause to be constructed, Coast Guard shore establishments;

(d) design or cause to be designed, cause to be constructed, accept as gift, or otherwise acquire vessels, and subject to applicable regulations under the Federal Property and Administrative Services Act of 1949, as amended, dispose of them;

(e) repealed (Oct. 31, 1951, c. 654, § 1(32), 65 Stat. 702);

(f) acquire land or interests in land, including acceptance of gifts thereof, where required for the purpose of carrying out any project or purpose for which an appropriation has been made;

(g) exchange land or interests in land in part or in full payment for such other land or interests in land as may be necessary or desirable, the balance of such part payment to be defrayable in accordance with other provisions of this section;

(h) exercise any of the powers vested by this title in the Commandant in any case in which the Secretary deems it appropriate; and

(i) do any and all things necessary to carry out the purposes of this title. (Aug. 4, 1949, c. 393, § 1, 63 Stat. 503; Oct. 31, 1951, c. 654, §§ 1(32), 2(9), 3(3), 65 Stat. 702, 707, 708.)

Treasury Department

14 U.S.C. 143

Commissioned, warrant, and petty officers of the Coast Guard are deemed to be officers of the customs and when so acting shall, insofar as performance of the duties relating to customs laws are concerned, be subject to regulations issued by the Secretary of the Treasury governing officers of the customs. (Aug. 4, 1949, c. 393, § 1, 63 Stat. 506.)

Delegation of powers by the Secretary

14 U.S.C. 631

The Secretary of the Treasury is authorized to confer or impose upon the Commandant of the Coast Guard any of the rights, privileges, powers, or duties, in respect to the administration of the Coast Guard, vested in or imposed upon the Secretary of the Treasury by this title or other provisions of law. (Aug. 4, 1949, c. 393, § 1, 63 Stat. 544.)

Functions and powers vested in the Commandant

14 U.S.C. 632

All powers and functions conferred upon the Coast Guard, or the Commandant, by or pursuant to this title or any other law shall, unless otherwise specifically stated, be executed by the Commandant subject to the general supervision of the Secretary. In order to execute the powers and functions vested in him, the Commandant may assign personnel of the Coast Guard to duty in the District of Columbia, elsewhere in the United States, in any territory of the United States, and in any foreign country, but such personnel shall not be assigned to duties in any foreign country without the consent of the government of that country; assign to such personnel such duties and authority as he deems necessary; and issue rules, orders, and instructions, not inconsistent with law, relating to the organization, internal administration, and personnel of the Coast Guard. (Aug. 4, 1949, c. 393, § 1, 63 Stat. 545.)

Regulations

14 U.S.C. 633

In addition to the authority conferred by other provisions of this title the Secretary may promulgate such regulations and orders as he deems appropriate to carry out the provisions of this title or any other law applicable to the Coast Guard. (Aug. 4, 1949, c. 393, § 1, 63 Stat. 545.)

Delegation of Functions

The following Treasury Department Order 167-17 (20 F.R. 4976) was issued by the Acting Secretary of the Treasury under date of June 29, 1955:

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, and by 14 U.S.C. 92, 631, and 633, there are transferred to the Commandant, U. S. Coast Guard, the following functions of the Secretary of the Treasury:

1. All functions under 14 U.S.C. 92(b), 144, 145(a)(2), 145(a)(3), 184, 221, 228(c), 230, 231, 238, 240-242, 301(c), 310-312, 351, 352, 357(c), 361, 365, 367, 431(b), 431(c), 432(g), 473, 480, 501, 508(a), 638, 826, and 891; Title IV and sections 511 and 513 of the Career Compensation Act of 1949 (37 U.S.C. 271-285, 311, and 313); Title V of the Veterans' Readjustment Assistance Act of 1952 (38 U.S.C. 1011-1016); the act of June 6, 1953 (39 U.S.C. 141-145); and the Dependents' Assistance Act of 1950 (50 U.S.C. 2201-2216).

2. The functions under 14 U.S.C. 226(a), 301(b), and 302(a) of prescribing examinations to establish fitness for appointment; and the functions under 14 U.S.C. 633 of promulgating regulations and orders deemed appropriate to carry out functions delegated to the Commandant by the Secretary.

SUBCHAPTER 1B.—EXCERPTS FROM ADMINISTRATIVE PROCEDURE ACT AND FEDERAL REGISTER ACT**Definitions (Administrative Procedure Act)****5 U.S.C. 1001**

As used in this chapter—

(a) Agency.—“Agency” means each authority (whether or not within or subject to review by another agency) of the Government of the United States other than Congress, the courts, or the governments of the possessions, Territories, or the District of Columbia. Nothing in this chapter shall be construed to repeal delegations of authority as provided by law. Except as to the requirements of section 1002 of this title there shall be excluded from the operation of this chapter (1) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them, (2) courts martial and military commissions, (3) military or naval authority exercised in the field in time of war or in occupied territory, or (4) functions which by law expire on the termination of present hostilities, within any fixed period thereafter, or before July 1, 1947, and the functions conferred by the following statutes: Selective Training and Service Act of 1940; Housing and Rent Act of 1947, as amended; Contract Settlement Act of 1944; Surplus Property Act of 1944; Sugar Control Extension Act of 1947; and the Veterans’ Emergency Housing Act of 1946.

(b) Person and party.—“Person” includes individuals, partnerships, corporations, associations, or public or private organizations of any character other than agencies. “Party” includes any person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in any agency proceeding; but nothing herein shall be construed to prevent an agency from admitting any person or agency as a party for limited purposes.

(c) Rule and rule making.—“Rule” means the whole or any part of any agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or to describe the organization, procedure, or practice requirements of any agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefor or of valuations, costs, or accounting, or practices bearing upon any of the foregoing. “Rule making” means agency process for the formulation, amendment, or repeal of a rule.

(d) Order and adjudication.—“Order” means the whole or any part of the final disposition (whether affirmative, negative, injunctive, or declaratory in form) of any agency in any matter other than rule making but including licensing. “Adjudication” means agency process for the formulation of an order.

(e) License and licensing.—“License” includes the whole or part of any agency permit, certificate, approval, registration, charter, membership, statutory exemption or other form of permission. “Licensing” includes agency process respecting the grant, renewal, denial, revocation, suspension, annulment, withdrawal, limitation amendment, modification, or conditioning of a license.

(f) Sanction and relief.—“Sanction” includes the whole or part of any agency (1) prohibition, requirement, limitation, or other condition affecting the freedom of any person; (2) withholding of relief; (3) imposition of any form of penalty or fine; (4) destruction, taking, seizure, or withholding of property; (5) assessment of damages, reimbursement, restitution, compensation, costs, charges, or fees; (6) requirement, revocation, or suspension of a license; or (7) taking of other compulsory or restrictive action. “Relief” includes the whole or part of any agency (1) grant of money, assistance, license, authority, exemption, exception, privilege, or remedy; (2) recognition of any claim, right, immunity, privilege, exemption, or exception; or (3) taking of any other action upon the application or petition of, and beneficial to, any person.

(g) Agency proceeding and action.—“Agency proceeding” means any agency process as defined in subsections (c), (d), and (e) of this section. “Agency action” includes the whole or part of every agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act.

Publication of information

5 U.S.C. 1002

Except to the extent that there is involved (1) any function of the United States requiring secrecy in the public interest or (2) any matter relating solely to the internal management of an agency—

(a) Every agency shall separately state and currently publish in the Federal Register (1) descriptions of its central and field organization including delegations by the agency of final authority and the established places at which, and methods whereby, the public may secure information or make submittals or requests; (2) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal or informal procedures available as well as forms and instructions as to the scope and contents of all papers, reports, or examinations; and (3) substantive rules adopted as authorized by law and statements of general policy or interpretations formulated and adopted by the agency for the guidance of the public, but not rules addressed to and served upon named persons in accordance with law. No person shall in any manner be required to resort to organization or procedure not so published.

(b) Every agency shall publish or, in accordance with published rule, make available to public inspection all final opinions or orders in the adjudication of cases (except those required for good cause to be held confidential and not cited as precedents) and all rules.

(c) Save as otherwise required by statute, matters of official record shall in accordance with published rule be made available to persons properly and directly concerned except information held confidential for good cause found.

Rule making

5 U.S.C. 1003

Except to the extent that there is involved (1) any military, naval, or foreign affairs function of the United States or (2) any matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts—

(a) Notice.—General notice of proposed rule making shall be published in the Federal Register (unless all persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law) and shall include (1) a statement of the time, place, and nature of public rule making proceedings; (2) reference to the authority under which the rule is proposed; and (3) either the terms or substance of the proposed rule or a description of the subjects and issues involved. Except where notice or hearing is required by statute, this subsection shall not apply to interpretive rules, general statements of policy, rules of agency organization, procedure, or practice, or in any situation in which the agency for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

(b) Procedures.—After notice required by this section, the agency shall afford interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity to present the same orally in any manner; and, after consideration of all relevant matter presented, the agency shall incorporate in any rules adopted a concise general statement of their basis and purpose. Where rules are required by statute to be made on the record after opportunity for an agency hearing, the requirements of sections 1006 and 1007 of this title shall apply in place of the provisions of this subsection.

(c) Time of publication or service of rules.—The required publication or service of any substantive rule (other than one granting or recognizing exemption or relieving restriction or interpretative rules and statements of policy) shall be made not less than thirty days prior to the effective date thereof except as otherwise provided by the agency upon good cause found and published with the rule.

(d) Petitions.—Every agency shall accord any interested person the right to petition for the issuance, amendment, or repeal of a rule.

Adjudications

5 U.S.C. 1004

In every case of adjudication required by statute to be determined on the record after opportunity for an agency hearing, except to the extent that there is involved (1) any matter subject to a subsequent trial of the law and the facts *de novo* in any court; (2) the selection or tenure of an officer or employee of the United States other than examiners appointed pursuant to section 11; (3) proceedings in which decisions rest solely on inspections, tests, or elections; (4) the conduct of military, naval, or foreign affairs

functions; (5) cases in which an agency is acting as an agent for a court; and (6) the certification of employee representatives.

(a) Notice of hearing and issues.—Persons entitled to notice of an agency hearing shall be timely informed of (1) the time, place, and nature thereof; (2) the legal authority and jurisdiction under which the hearing is to be held; and (3) the matters of fact and law asserted. In instances in which private persons are the moving parties, other parties to the proceeding shall give prompt notice of issues controverted in fact or law; and in other instances agencies may by rule require responsive pleading. In fixing the times and places for hearings, due regard shall be had for the convenience and necessity of the parties or their representatives.

(b) Procedure.—The agency shall afford all interested parties opportunity for (1) the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment where time, the nature of the proceeding, and the public interest permit, and (2) to the extent that the parties are unable so to determine any controversy by consent, hearing, and decision upon notice and in conformity with sections 1006 and 1007 of this title.

(c) Authority and functions of officers and employees.—The same officers who preside at the reception of evidence pursuant to section 1006 of this title shall make the recommended decision or initial decision required by section 1007 of this title except where such officers become unavailable to the agency. Save to the extent required for the disposition of ex parte matters as authorized by law, no such officer shall consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate; nor shall such officer be responsible to or subject to the supervision or direction of any officer, employee, or agent engaged in the performance of investigative or prosecuting functions for any agency. No officer, employee, or agent engaged in the performance of investigative or prosecuting functions for any agency in any case shall, in that or a factually related case, participate or advise in the decision, recommended decision, or agency review pursuant to section 1007 of this title except as witness or counsel in public proceedings. This subsection shall not apply in determining applications for initial licenses or to proceedings involving the validity or application of rates, facilities, or practices of public utilities or carriers; nor shall it be applicable in any manner to the agency or any member or members of the body comprising the agency.

(d) Declaratory orders.—The agency is authorized in its sound discretion, with like effect as in the case of other orders, to issue a declaratory order to terminate a controversy or remove uncertainty.

Ancillary matters

5 U.S.C. 1005

Except as otherwise provided in this chapter—

(a) Appearance and representation of parties.—Any person compelled to appear in person before any agency or representative thereof shall be accorded the right to be accompanied, represented, and advised by counsel or, if permitted by the agency, by other qualified represent-

ative. Every party shall be accorded the right to appear in person or by or with counsel or other duly qualified representative in any agency proceeding. So far as the orderly conduct of public business permits, any interested person may appear before any agency or its responsible officers or employees for the presentation, adjustment, or determination of any issue, request, or controversy in any proceeding (interlocutory, summary, or otherwise) or in connection with any agency function. Every agency shall proceed with reasonable dispatch to conclude any matter presented to it except that due regard shall be had for the convenience and necessity of the parties or their representatives. Nothing herein shall be construed either to grant or to deny to any person who is not a lawyer the right to appear for or represent others before any agency or in any agency proceeding.

(b) Issuance of process; investigations; transcript of evidence.—No process, requirement of a report, inspection, or other investigative act or demand shall be issued, made, or enforced in any manner or for any purpose except as authorized by law. Every person compelled to submit data or evidence shall be entitled to retain or, on payment of lawfully prescribed costs, procure a copy or transcript thereof, except that in a nonpublic investigatory proceeding the witness may for good cause be limited to inspection of the official transcript of his testimony.

(c) Subpenas and production of evidence.—Agency subpenas authorized by law shall be issued to any party upon request and, as may be required by rules of procedure, upon a statement or showing of general relevance and reasonable scope of the evidence sought. Upon contest the court shall sustain any such subpoena or similar process or demand to the extent that it is found to be in accordance with law and, in any proceeding for enforcement, shall issue an order requiring the appearance of the witness or the production of the evidence or data within a reasonable time under penalty of punishment for contempt in case of contumacious failure to comply.

(d) Notice of denial of application or petition.—Prompt notice shall be given to the denial in whole or in part of any written application, petition, or other request of any interested person made in connection with any agency proceeding. Except in affirming a prior denial or where the denial is self-explanatory, such notice shall be accompanied by a simple statement of procedural or other grounds.

Hearings; presiding officers

5 U.S.C. 1006

In hearings which section 1003 or 1004 of this title requires to be conducted pursuant to this section—

(a) There shall preside at the taking of evidence (1) the agency, (2) one or more members of the body which comprises the agency, or (3) one or more examiners appointed as provided in this Act; but nothing in this Act shall be deemed to supersede the conduct of specified classes of proceedings in whole or part by or before boards or other officers specially provided for by or designated pursuant to statute. The functions of all presiding officers and of officers participating in decisions in conformity with section 1007 of this title shall be conducted in an impartial manner. Any such officer may at

any time withdraw if he deems himself disqualified; and, upon the filing in good faith of a timely and sufficient affidavit of personal bias or disqualification of any such officer, the agency shall determine the matter as a part of the record and decision in the case.

(b) Officers presiding at hearings shall have authority, subject to the published rules of the agency and within its powers, to (1) administer oaths and affirmations, (2) issue subpoenas authorized by law, (3) rule upon offers of proof and receive relevant evidence, (4) take or cause depositions to be taken whenever the ends of justice would be served thereby, (5) regulate the course of the hearing, (6) hold conferences for the settlement or simplification of the issues by consent of the parties, (7) dispose of procedural requests or similar matter, (8) make decisions or recommend decisions in conformity with section 8, and (9) take any other action authorized by agency rule consistent with this chapter.

(c) Except as statutes otherwise provide, the proponent of a rule or order shall have the burden of proof. Any oral or documentary evidence may be received, but every agency shall as a matter of policy provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence and no sanction shall be imposed or rule or order be issued except upon consideration of the whole record or such portions thereof as may be cited by any party and as supported by and in accordance with the reliable, probative, and substantial evidence. Every party shall have the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. In rule making or determining claims for money or benefits or applications for initial licenses any agency may, where the interest of any party will not be prejudiced thereby, adopt procedures for the submission of all or part of the evidence in written form.

(d) The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, shall constitute the exclusive record for decision in accordance with section 8 and, upon payment of lawfully prescribed costs, shall be made available to the parties. Where any agency decision rests on official notice of a material fact not appearing in the evidence in the record, any party shall on timely request be afforded an opportunity to show the contrary.

Initial decisions; conclusiveness; review by agency

5 U.S.C. 1007

In cases in which a hearing is required to be conducted in conformity with section 1007 of this title—

(a) In cases in which the agency has not presided at the reception of the evidence, the officer who presided (or, in cases not subject to subsection (c) of section 1004 of this title, any other officer or officers qualified to preside at hearings pursuant to section 1006 of this title) shall initially decide the case or the agency shall require (in specific cases or by general rule) the entire record to be certified to it for initial decision. Whenever such officers make the initial decision and in the absence of either an appeal to the agency or review upon motion of the agency within time provided by rule, such decision shall

without further proceedings then become the decision of the agency. On appeal from or review of the initial decisions of such officers the agency shall, except as it may limit the issues upon notice or by rule, have all the powers which it would have in making the initial decision. Whenever the agency makes the initial decision without having presided at the reception of the evidence, such officers shall first recommend a decision except that in rule making or determining applications for initial licenses (1) in lieu thereof the agency may issue a tentative decision or any of its responsible officers may recommend a decision or (2) any such procedure may be omitted in any case in which the agency finds upon the record that due and timely execution of its functions imperatively and unavoidably so requires.

(b) Prior to each recommended, initial, or tentative decision, or decision upon agency review of the decision of subordinate officers the parties shall be afforded a reasonable opportunity to submit for the consideration of the officers participating in such decisions (1) proposed findings and conclusions, or (2) exceptions to the decisions or recommended decisions of subordinate officers or to tentative agency decisions, and (3) supporting reasons for such exceptions or proposed findings or conclusions. The record shall show the ruling upon each such finding, conclusion, or exception presented. All decisions (including initial, recommended, or tentative decisions) shall become a part of the record and include a statement of (1) findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record; and (2) the appropriate rule, order, sanction, relief, or denial thereof.

Imposition of sanctions

5 U.S.C. 1008

In the exercise of any power or authority—

(a) No sanction shall be imposed or substantive rule or order be issued except within jurisdiction delegated to the agency and as authorized by law.

(b) In any case in which application is made for a license required by law the agency, with due regard to the rights or privileges of all the interested parties or adversely affected persons and with reasonable dispatch, shall set and complete any proceedings required to be conducted pursuant to sections 1006 and 1007 of this title or other proceedings required by law and shall make its decision. Except in cases of willfulness or those in which public health, interest, or safety requires otherwise, no withdrawal, suspension, revocation, or annulment of any license shall be lawful unless, prior to the institution of agency proceedings therefor, facts or conduct which may warrant such action shall have been called to the attention of the licensee by the agency in writing and the licensee shall have been accorded opportunity to demonstrate or achieve compliance with all lawful requirements. In any case in which the licensee has, in accordance with agency rules, made timely and sufficient application for a renewal or a new license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined by the agency.

Judicial review of agency

5 U.S.C. 1009

Except so far as (1) statutes preclude judicial review or (2) agency action is by law committed to agency discretion—

(a) Right of review.—Any person suffering legal wrong because of any agency action, or adversely affected or aggrieved by such action within the meaning of any relevant statute, shall be entitled to judicial review thereof.

(b) Form and venue of proceedings.—The form of proceeding for judicial review shall be any special statutory review proceeding relevant to the subject matter in any court specified by statute, or, in the absence or inadequacy thereof, any applicable form of legal action (including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus) in any court of competent jurisdiction. Agency action shall be subject to judicial review in civil or criminal proceedings for judicial enforcement except to the extent that prior, adequate, and exclusive opportunity for such review is provided by law.

(c) Reviewable acts.—Every agency action made reviewable by statute and every final agency action for which there is no other adequate remedy in any court shall be subject to judicial review. Any preliminary, procedural, or intermediate agency action or ruling not directly reviewable shall be subject to review upon the review of the final agency action. Except as otherwise expressly required by statute, agency action otherwise final shall be final for the purposes of this subsection whether or not there has been presented or determined any application for a declaratory order, for any form of reconsideration, or (unless the agency otherwise requires by rule and provides that the action meanwhile shall be inoperative) for an appeal to superior agency authority.

(d) Relief pending review.—Pending judicial review any agency is authorized, where it finds that justice so requires, to postpone the effective date of any action taken by it. Upon such conditions as may be required and to the extent necessary to prevent irreparable injury, every reviewing court (including every court to which a case may be taken on appeal from or upon application for certiorari or other writ to a reviewing court) is authorized to issue all necessary and appropriate process to postpone the effective date of any agency action or to preserve status or rights pending conclusion of the review proceedings.

(e) Scope of review.—So far as necessary to decision and where presented the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of any agency action. It shall (A) compel agency action unlawfully withheld or unreasonably delayed; and (B) hold unlawful and set aside agency action, findings, and conclusions found to be (1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (2) contrary to constitutional right, power, privilege, or immunity; (3) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; (4) without observance of procedure required by law; (5) un-

supported by substantial evidence in any case subject to the requirements of sections 1006 and 1007 of this title or otherwise reviewed on the record of an agency hearing provided by statute; or (6) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court. In making the foregoing determinations the court shall review the whole record or such portions thereof as may be cited by any party, and due account shall be taken of the rule of prejudicial error.

Appointment of examiners

5 U.S.C. 1010

Subject to the civil-service and other laws to the extent not inconsistent with this chapter, there shall be appointed by and for each agency as many qualified and competent examiners as may be necessary for proceedings pursuant to sections 1006 and 1007 of this title who shall be assigned to cases in rotation so far as practicable and shall perform no duties inconsistent with their duties and responsibilities as examiners. Examiners shall be removable by the agency in which they are employed only for good cause established and determined by the Civil Service Commission (hereinafter called the Commission) after opportunity for hearing and upon the record thereof. Examiners shall receive compensation prescribed by the Commission independently of agency recommendations or ratings and in accordance with the Classification Act of 1949, except that the provisions of paragraphs (2) and (3) of subsection (b) of section 667 of this title, and the provisions of section 669 of this title, shall not be applicable. Agencies occasionally or temporarily insufficiently staffed may utilize examiners selected by the Commission from and with the consent of other agencies. For the purposes of this section, the Commission is authorized to make investigations, require reports by agencies, issue reports, including an annual report to the Congress, promulgate rules, appoint such advisory committees as may be deemed necessary, recommend legislation, subpoena witnesses or records, and pay witness fees as established for the United States courts.

Impairment of rights; effect on other laws

5 U.S.C. 1011

Nothing in this chapter shall be held to diminish the constitutional rights of any person or to limit or repeal additional requirements imposed by statute or otherwise recognized by law. Except as otherwise required by law, all requirements or privileges relating to evidence or procedure shall apply equally to agencies and persons. If any provision of this chapter or the application thereof is held invalid, the remainder of this chapter or other applications of such provision shall not be affected. Every agency is granted all authority necessary to comply with the requirements of this chapter through the issuance of rules or otherwise. No subsequent legislation shall be held to supersede or modify the provisions of this chapter except to the extent that such legislation shall do so expressly.

Documents to be published in Federal Register**44 U.S.C. 305**

(a) Proclamations and Executive Orders; documents having general applicability and legal effect; documents required to be published by Congress.

There shall be published in the Federal Register (1) all Presidential proclamations and Executive Orders, except such as have no general applicability and legal effect or are effective only against Federal agencies or persons in their capacity as officers, agents, or employees thereof; (2) such documents or classes of documents as the President shall determine from time to time have general applicability and legal effect; and (3) such documents or classes of documents as may be required so to be published by Act of the Congress: *Provided*, That for the purposes of this chapter every document or order which shall prescribe a penalty shall be deemed to have general applicability and legal effect.

(b) Documents authorized to be published by regulations; comments and news items excluded.

In addition to the foregoing there shall also be published in the Federal Register such other documents or classes of documents as may be authorized to be published pursuant hereto by regulations prescribed hereunder with the approval of the President, but in no case shall comments or news items of any character whatsoever be authorized to be published in the Federal Register.

(c) Suspension of requirements for filing of documents; alternate systems for promulgating, filing or publishing documents; preservation of originals.

In the event of an attack or threatened attack upon the continental United States, by air or otherwise, and a determination by the President that as a result of such attack or threatened attack (i) publication of the Federal Register or filing of documents with the Division is impracticable, or (ii) under existing conditions publication in the Federal Register would not serve to give appropriate notice to the public of the contents of documents, the President may, without regard to the provisions of this chapter or of the Administrative Procedure Act, or of any other provision of law, suspend all or any part of the requirements of law or regulation for filing with the Division or publication in the Federal Register of all or any documents or classes of documents. Such suspensions shall remain in effect until revoked by the President, or by concurrent resolution of the Congress. The President shall establish such alternate systems for promulgating, filing, or publishing documents or classes of documents affected by such suspensions, including requirements relating to their effectiveness or validity, as may be deemed under the then existing circumstances practicable to provide public notice of the issuance and of the contents of such documents. Such alternate systems may, without limitation, make provision for the use of regional or specialized publications or depositories for documents, or of the press, the radio, or similar mediums of general communication. Compliance with such alternate systems of filing or publication shall have the same force and effect as filing with the Division or publication in the Federal Register

pursuant to the provisions of this chapter or of any other Act, or of any regulation. With respect to documents promulgated under such alternate systems, each agency shall preserve the original and two duplicate originals or two certified copies thereof for filing with the Division when the President determines that it is practicable to do so. (July 26, 1935, ch. 417, § 5, 49 Stat. 501; June 25, 1936, ch. 444, 70 Stat. 337.)

Filing document as constructive notice; publication in Register as presumption of validity; judicial notice; citation

44 U.S.C. 307

No document required under section 305(a) of this title to be published in the Federal Register shall be valid as against any person who has not had actual knowledge thereof until the duplicate originals or certified copies of the document shall have been filed with the Division and a copy made available for public inspection as provided in section 302 of this title; and, unless otherwise specifically provided by statute, such filing of any document, required or authorized to be published under section 305 of this title, shall, except in cases where notice by publication is insufficient in law, be sufficient to give notice of the contents of such document to any person subject thereto or affected thereby. The publication in the Federal Register of any document shall create a rebuttable presumption (a) that it was duly issued, prescribed, or promulgated; (b) that it was duly filed with the Division and made available for public inspection at the day and hour stated in the printed notation; (c) that the copy contained in the Federal Register is a true copy of the original; and (d) that all requirements of this chapter and the regulations prescribed hereunder relative to such document have been complied with. The contents of the Federal Register shall be judicially noticed and, without prejudice to any other mode of citation, may be cited by volume and page number. (July 26, 1935, ch. 417, § 7, 49 Stat. 502.)

Publication in Register as notice of hearing

44 U.S.C. 308

Whenever notice of hearing or of opportunity to be heard is required or authorized to be given by or under an Act of the Congress, or may otherwise properly be given, the notice shall be deemed to have been duly given to all persons residing within the continental United States (not including Alaska), except in cases where notice by publication is insufficient in law, if said notice shall be published in the Federal Register at such time that the period between the publication and the date fixed in such notice for the hearing or for the termination of the opportunity to be heard shall be (a) not less than the time specifically prescribed for the publication of the notice by the appropriate Act of the Congress; or (b) not less than fifteen days when no time for publication is specifically prescribed by the Act, without prejudice, however, to the effectiveness of any notice of less than fifteen days where such shorter period is reasonable. (July 26, 1935, ch. 417, § 8, 49 Stat. 502.)

**Federal Register annual supplements; style and composition;
application to Code of Federal Regulations**

44 U.S.C. 311

(a) The Administrative Committee of the Federal Register is authorized, with the approval of the President, to require, from time to time as it may deem necessary, the preparation and publication in special or supplemental editions of the Federal Register of complete codifications of the documents of each agency of the Government which have general applicability and legal effect, which have been issued or promulgated by such agency by publication in the Federal Register or by filing with the Committee, and which are relied upon by the agency as authority for, or are invoked or used by it in the discharge of, its activities or functions, and are in force and in effect as to facts arising on or after such dates as may be specified by the Committee.

(b) Any codification published pursuant to subsection (a) of this section shall be printed and bound in permanent form and shall be designated as the "Code of Federal Regulations." The Committee shall regulate the binding of the printed codifications into separate books with a view to practical usefulness and economical manufacture. Each book shall contain an explanation of its coverage and such other aids to users as the Committee may require or authorize. A general index to the entire Code of Federal Regulations shall be separately printed and bound.

(c) The Committee shall regulate the supplementation and the collation and republication of the printed codifications with a view to keeping the Code of Federal Regulations as current as practicable: *Provided*, That each book shall be either supplemented or collated and republished at least once each calendar year.

(d) The Office of the Federal Register shall prepare and publish the codifications, supplements, collations, and indexes authorized by this section.

(e) The codified documents of the several agencies published in the supplemental edition of the Federal Register pursuant to the provisions of this section, as amended by documents subsequently filed with the Division and published in the daily issues of the Federal Register, shall be prima facie evidence of the text of such documents and of the fact that they are in full force and effect on and after the date of publication.

(f) The Administrative Committee of the Federal Register shall prescribe, with the approval of the President, regulations for carrying out the provisions of this section.

(g) Nothing in this section shall be construed to require codification of the text of Presidential documents published and periodically compiled in supplements to title 3 of the Code of Federal Regulations.

SUBCHAPTER 1C.—ADMINISTRATION OF SHIPPING LAWS**Superintendence of commercial marine and merchant seamen; documentation****46 U.S.C. 2**

The Commandant of the Coast Guard and the Commissioner of Customs shall have general superintendence of the commercial marine and merchant seamen of the United States, so far as vessels and seamen are not, under existing laws, subject to the supervision of any other officer of the Government. The Commissioner of Customs shall be specially charged with the decision of all questions relating to the issue of registers, enrollments, and licenses of vessels, and to the filing and preserving of those documents; and wherever in this title any of the above-named documents are required to be surrendered they shall be surrendered and returned to the Commissioner of Customs.

Administration of inspection laws**46 U.S.C. 372 (R.S. 4403)**

The Commandant of the Coast Guard shall superintend the administration of the steamboat-inspection laws, and produce a correct and uniform administration of the inspection laws, rules, and regulations.

Regulations of the Commandant**46 U.S.C. 375 (R.S. 4405)**

The Commandant of the Coast Guard shall establish all necessary regulations required to carry out in the most effective manner the provisions of title 52 of the Revised Statutes, and also regulations, prohibiting useless and unnecessary whistling, and such regulations shall have the force of law.

NOTE.—Title 52 of the Revised Statutes is now contained in 46 U.S.C. 170, 214, 215, 222, 224, 224a, 226, 228, 229, 230-234, 239, 240, 361, 362, 364, 372, 375, 391, 391a, 392, 393, 399, 400, 402-414, 416, 435, 436, 451-453, 460, 461, 462, 464, 467, 470, 471, 473, 477-482, 489, and 491-498.

Regulations**46 U.S.C. 416 (R.S. 4462)**

The Commandant of the Coast Guard shall make such regulations as may be necessary to secure the proper execution and carry out the purposes of title 52 of the Revised Statutes, and sections 369 and 382b of this title.

Enforcement of sections 643, 660a, 672, 672a, 673, and 710a; rules and regulations**46 U.S.C. 689**

The Commandant of the Coast Guard shall enforce sections 643, 660a, 672, 672a, 673, and 710a of this title as to all vessels of the United States subject to the provisions of said sections through collectors of customs and other Government officers acting under the direction

of the Coast Guard, and shall make such rules and regulations as he may deem necessary to carry out the provisions of said sections. (June 25, 1936, c. 816, § 7, 49 Stat. 1936; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Annual list of vessels; report of increase; report on navigation laws

46 U.S.C. 4

The Commissioner of Customs shall annually prepare and publish a list of vessels of the United States belonging to the commercial marine, specifying the official number, signal letters, names, rig, tonnage, home port, and place and date of building of every vessel, distinguishing in such list sailing vessels from such as may be propelled by steam or other motive power. He shall also report annually to the Secretary of the Treasury the increase of vessels of the United States, by building or otherwise, specifying their number, rig, and motive power. The Commandant of the Coast Guard and the Commissioner of Customs shall also investigate the operations of the laws relative to navigation, and annually report to the Secretary of the Treasury such particulars as may, in their individual judgment, admit of improvement or may require amendment.

Records and reports of inspections and licenses

46 U.S.C. 414 (R.S. 4457)

Coast Guard officials shall keep a record of certificates of inspection of vessels, their boilers, engines, and machinery, and of all their acts in their examination and inspection of steamers, whether of approval or disapproval; and when a certificate of approval is recorded, the original shall be delivered to the collector or other chief officer of the customs of the district. They shall also keep a like record of all licenses granted to masters, mates, pilots, and engineers, and of all refusals of the same, of all suspensions and revocations of licenses, of all refusals, suspensions, or revocations of which they shall receive notices from other districts. They shall also keep an accurate account of every steamer boarded by them during the year, and of all their official acts and doings.

Extra pay for overtime services; payment by owner or master or agent; appropriations; regulation of varying working hours

46 U.S.C. 382b

The Commandant of the Coast Guard shall fix a reasonable rate of extra compensation for overtime services of Coast Guard officials and customs officers and employees, who may be required to remain on duty between the hours of 5 o'clock postmeridian and 8 o'clock antemeridian or on Sundays or holidays to perform services in connection with the inspection of vessels or their equipment, supplying or signing on or discharging crews of vessels on the basis of one-half day's additional pay for each two hours or fraction thereof of at least one hour that the overtime extends beyond 5 o'clock postmeridian (but not to exceed two and one-half days' pay for the full period from 5 o'clock postmeridian to 8 o'clock

antemeridian) and two additional days' pay for Sunday or holiday duty. The said extra compensation for overtime services shall be paid by the master, owner, or agent of such vessel to the local United States collector of customs or his representative who shall deposit such collection into the Treasury of the United States to an appropriately designated receipt account. The amount of the receipts so covered during the fiscal year 1936 is authorized to be appropriated and made available for payment of extra compensation for overtime services to the several employees entitled thereto according to rates fixed therefor by the Secretary of Commerce: *Provided*, That effective July 1, 1936, and thereafter, the amounts of such collections received by the said collector of customs or his representative shall be covered into the Treasury as miscellaneous receipts; and the payments of such extra compensation to the several employees entitled thereto shall be made from the annual appropriations for salaries and expenses of the Coast Guard: *Provided further*, That to the extent that the annual appropriations, which are hereby authorized to be made from the general fund of the Treasury, are insufficient, there are hereby authorized to be appropriated from the general fund of the Treasury such additional amounts as may be necessary, to the extent that the amounts of such receipts are in excess of the amounts appropriated: *Provided further*, That such extra compensation shall be paid if such officers or employees have been ordered to report for duty and have so reported, whether the actual inspection of the vessel or her equipment, or the supplying, or signing on, or discharging crews takes place or not: *And provided further*, That in those ports where customary working hours are other than those hereinabove mentioned, the Coast Guard officials or collectors of customs, as the case may be, are vested with authority to regulate the hours of such employees so as to agree with prevailing working hours in said ports, but nothing contained in this proviso shall be construed in any manner to alter the length of a working day for the Coast Guard officials or customs officers and employees, or the overtime pay herein fixed.

Punishment for certifying falsely

46 U.S.C. 403 (R.S. 4425)

Every inspector who willfully certifies falsely touching any steam vessel, as to her hull, accommodations, boilers, engines, machinery, or other appurtenances, or any of her equipments, or any matter or thing contained in any certificate signed and sworn to by him, shall be punished by fine of not more than \$500, or imprisonment for not more than six months, or both.

Unauthorized fees for inspection of vessels

18 U.S.C. 1912

Whoever, being an officer, employee, or agent of the United States or any agency thereof, engaged in inspection of vessels, upon any pretense, receives any fee or reward for his services, except what is allowed to him by law, shall be fined not more than \$500 or imprisoned not more than six months, or both; and shall forfeit his office.

Certain fees abolished**46 U.S.C. 331**

No fees shall be charged or collected by collectors or other officers of customs, or by Coast Guard officials, for the following services to vessels of the United States, to wit: Measurement of tonnage and certifying the same, except that the compensation and necessary travel and subsistence expenses of the officers so measuring or certifying such vessels at the request of the owners thereof at a place other than a port of entry or a customs station shall be paid by such owners; issuing of license or granting of certificate of registry, record, or enrollment, including all indorsements on the same and oath; indorsement of change of master; certifying and receiving manifest, including master's oath and permit; granting permit to vessels licensed for the fisheries to touch and trade; granting certificate of payment of tonnage dues; recording bill of sale, mortgage, hypothecation or conveyance, or the discharge of such mortgage or hypothecation; furnishing certificate of title; furnishing the crew list; certificate of protection to seamen; bill of health; shipping or discharging of seamen, as provided by title 53 of the Revised Statutes and sections 563 and 646 of this title; apprenticing boys to the merchant service; inspecting, examining, and licensing steam vessels, including inspection certificate and copies thereof; and licensing of master, engineer, pilot, or mate of a vessel. (June 19, 1886, c. 421, § 1, 24 Stat. 79; Apr. 4, 1888, c. 61, § 2, 25 Stat. 80; June 25, 1938, 5 p.m. e.s.t., c. 679, § 19(a), 52 Stat. 1087; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Dismissal of official disclosing source of information**46 U.S.C. 234 (R.S. 4448)**

No Coast Guard official receiving information from a licensed officer who is employed on any vessel as to the defects in such vessel, or her equipments, boilers, or machinery, or that any provision of title 52 of the Revised Statutes is being violated, shall impart the name of such licensed officer, or the source of his information to any person other than his superiors in the Coast Guard. Any Coast Guard official violating this provision shall be subject to dismissal from the service.

Copies of laws governing marine inspection to be kept on passenger vessels**46 U.S.C. 492 (R.S. 4494)**

Every master or commander of any steam vessel carrying passengers shall keep on board of such vessel at least two copies of the provisions of title 52 of the Revised Statutes, to be furnished to him by the Commandant of the Coast Guard; and if the master or commander neglects or refuses to do so, or shall unreasonably refuse to exhibit a copy of the same to any passenger who asks for it, he shall be liable to a penalty of \$20.

Demanding or receiving remuneration for supplying seamen for merchant vessels; penalty**46 U.S.C. 542a (R.S. 4595)**

Every Coast Guard official to whom the duties of shipping commissioner have been delegated and every clerk or employee in any shipping office, who demands or receives any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for any merchant vessels shall for every such offense be liable to a penalty of not more than \$200. (R.S. § 4595; June 19, 1886, ch. 421, § 1, 24 Stat. 79; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

When officers of customs shall act**46 U.S.C. 543 (R.S. 4503)**

In any port in which no Coast Guard official to perform the duties of shipping commissioner shall have been appointed, the whole or any part of the business of a shipping commissioner shall be conducted by the collector or deputy collector of customs of such port; and in respect of such business such customhouse shall be deemed a shipping office, and the collector or deputy collector of customs to whom such business shall be committed, shall, for all purposes, be deemed a Coast Guard official to whom the duties of shipping commissioner within the meaning of title 53 of the Revised Statutes have been delegated. (R.S. § 4503; 1946, Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

SUBCHAPTER 1D.—ADMINISTRATION OF NAVIGATION LAWS**Regulations for preventing collisions at sea; proclamation by President; applicability****33 U.S.C. 143**

The President is authorized to proclaim the regulations set forth in sections 144–147d of this title for preventing collisions involving waterborne craft upon the high seas, and in all waters connected therewith. Such proclamations, together with the regulations, shall be published in the Federal Register, and after the effective date specified in such proclamation, such regulations shall have effect as if enacted by statute and shall be followed by all public and private vessels of the United States, and by all aircraft of United States registry to the extent therein made applicable. Sections 144–147d of this title shall not apply to the harbors, rivers, and inland waters of the United States; to the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the Lachine Canal in Montreal in the Province of Quebec, Canada; to the Red River of the North and the rivers emptying into the Gulf of Mexico and their tributaries; nor, with respect to aircraft, to any territorial waters of the United States. (Oct. 11, 1951, c. 495, § 1, 65 Stat. 406.)

NOTE.—Sections 143 to 147d were repealed on date international regulations authorized to be proclaimed under Public Law 88–131, approved September 24, 1963, take effect, see section 3 of that act. The provisions of Public Law 88–131 are in 33 U.S.C. 1051–1094, and become effective September 1, 1965.

Navy and Coast Guard vessels; exemption regarding lights**33 U.S.C. 143a**

Any requirements of sections 144–147d of this title in respect of the number, position, range of visibility, or arc of visibility of the lights required to be displayed by vessels shall not apply to any vessel of the Navy or of the Coast Guard whenever the Secretary of the Navy or the Secretary of the Treasury, in the case of Coast Guard vessels operating under the Treasury Department, or such official as either may designate, shall find or certify that, by reason of special construction, it is not possible for such vessel or class of vessels to comply with such sections. The lights of any such exempted vessel or class of vessels, however, shall conform as closely to the requirements of the applicable regulations in such sections as the Secretary or such official shall find or certify to be feasible. Notice of such findings or certification and of the character and position of the lights prescribed to be displayed on such exempted vessel or class of vessels shall be published in the Federal Register and in the Notice to Mariners and, after the effective date specified in such notice, shall have effect as part of such regulations. (Oct. 11, 1951, c. 495, § 2, 65 Stat. 407.)

Regulations for preventing collisions at sea; proclamation by President; effective date; publication; applicability**33 U.S.C. 1051**

The President is authorized to proclaim the regulations set forth in sections 1061–1094 of this title for preventing collisions involving

waterborne craft upon the high seas, and in all waters connected therewith. The effective date of such proclamation shall be not earlier than the date fixed by the Inter-Governmental Maritime Consultative Organization for application of such regulations by Governments which have agreed to accept them. Such proclamation, together with the regulations, shall be published in the Federal Register and after the effective date specified in such proclamation such regulations shall have effect as if enacted by statute and shall be followed by all public and private vessels of the United States and by all aircraft of United States registry to the extent therein made applicable. Such regulations shall not apply to the harbors, rivers, and other inland waters of the United States; to the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the Saint Lambert Lock at Montreal in the Province of Quebec, Canada; to the Red River of the North and the rivers emptying into the Gulf of Mexico and their tributaries; nor with respect to aircraft in any territorial waters of the United States. (Public Law 88-131, § 1, Sept. 24, 1963, 77 Stat. 194.)

Navy and Coast Guard vessels; exemption regarding lights; feasible conformity to requirements; publication; effective date

33 U.S.C. 1052

Any requirement of such regulations in respect of the number, position, range of visibility, or arc of visibility of the lights required to be displayed by vessels shall not apply to any vessel of the Navy or of the Coast Guard whenever the Secretary of the Navy or the Secretary of the Treasury, in the case of Coast Guard vessels operating under the Treasury Department, or such official as either may designate, shall find or certify that, by reason of special construction, it is not possible for such vessel or class of vessels to comply with such regulations. The lights of any such exempted vessel or class of vessels, however, shall conform as closely to the requirements of the applicable regulations as the Secretary or such official shall find or certify to be feasible. Notice of such findings or certification and of the character and position of the lights prescribed to be displayed on such exempted vessel or class of vessels shall be published in the Federal Register and in the Notice to Mariners and, after the effective date specified in such notice, shall have effect as part of such regulations. (Public Law 88-131, § 2, Sept. 24, 1963, 77 Stat. 194.)

Designation of regulations

33 U.S.C. 1053

The regulations authorized to be proclaimed under section 1051 of this title are the Regulations for Preventing Collisions at Sea, 1960, approved by the International Conference on Safety of Life at Sea, 1960, held at London from May 17, 1960, to June 17, 1960, and are set out in sections 1061-1094 of this title. (Public Law 88-131, § 4, Sept. 24, 1963, 77 Stat. 195.)

Demarcation of high seas lines**33 U.S.C. 151**

The Commandant of the Coast Guard is authorized, empowered, and directed from time to time to designate and define by suitable bearings or ranges with lighthouses, light vessels, buoys, or coast objects, the lines dividing the high seas from rivers, harbors, and inland waters. (Feb. 19, 1895, c. 102, § 2, 28 Stat. 672; Feb. 14, 1903, c. 552, § 10, 32 Stat. 829; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Adoption of rules for navigation of harbors, rivers, and inland waters**33 U.S.C. 154**

The following regulations for preventing collisions shall be followed by all vessels upon the harbors, rivers, and other inland waters of the United States except the Great Lakes and their connecting and tributary waters as far east as Montreal, and waters of the Mississippi River between its source and the Huey P. Long Bridge and all of its tributaries emptying thereinto and their tributaries, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway, and the Red River of the North, and are declared special rules duly made by local authority. (June 7, 1897, c. 4, § 1, 30 Stat. 96; May 21, 1948, c. 328, § 1, 62 Stat. 249; Aug. 8, 1953, c. 386, § 1, 67 Stat. 497.)

NOTE.—A separate pamphlet entitled "Rules of the Road—International—Inland," CG-169, contains such laws, rules, and regulations, and therefore they have not been reprinted herein.

Special rules authorized; publication; hearings**33 U.S.C. 157**

(a) The Secretary of the Department in which the Coast Guard is operating shall establish such rules to be observed, on the waters described in section 154 of this title, by steam vessels in passing each other and as to the lights and day signals to be carried on such waters by ferryboats, by vessels and craft of all types when in tow of steam vessels or operating by hand power or horsepower or drifting with the current, and by any other vessels not otherwise provided for, not inconsistent with the provisions of this Act, as he from time to time may deem necessary for safety, which rules are declared special rules duly made by local authority. A pamphlet containing such Act and regulations shall be furnished to all vessels and craft subject to this Act. On vessels and craft over sixty-five feet in length the pamphlet shall, where practicable, be kept on board and available for ready reference.

(b) Except in an emergency, before any rules or any alteration, amendment, or repeal thereof, are established by the Secretary under the provisions of this section, the said Secretary shall publish the proposed rules, alterations, amendments, or repeals, and public hearings shall be held with respect thereto on such notice as the Secretary deems reasonable under the circumstances. (As amended Aug. 14, 1958, Public Law 85-656, § 1, 72 Stat. 612.)

Delegation of Functions

The following Treasury Department Order 167-33 (23 F.R. 7592) was issued by the Acting Secretary of the Treasury under date of September 23, 1958:

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, and by 14 U.S.C. 631, there are transferred to the Commandant, U.S. Coast Guard, the functions of the Secretary of the Treasury under Public Law 85-656 (72 Stat. 612, 613) relating to Pilot Rules for Certain Inland Waters and Pilot Rules for Western Rivers.

The Commandant may make provision for the performance by subordinates in the Coast Guard of any of the functions transferred except the functions of prescribing rules and regulations.

Regulations for navigation or operation under bridges over navigable waters—Lights, signals, and other navigational means and appliances; departure from rules

33 U.S.C. 157a

(a) The Secretary of the Department in which the Coast Guard is operating may permit vessels desiring to navigate or operate under bridges constructed over navigable waters of the United States to temporarily lower any lights, day signals, or other navigational means and appliances prescribed or required pursuant to law, rule, or regulation, and, if necessary, may authorize vessels so navigating or operating to depart from the rules to prevent collisions as prescribed by law, rule, or regulation. The Secretary of the Department in which the Coast Guard is operating may also prescribe such special regulations to be observed by vessels so navigating or operating as in his judgment the public safety may require for the prevention of collisions. (Public Law 88-163, Oct. 30, 1963, 77 Stat. 281.)

Delegation of Functions

The following Treasury Department Order 167-58 (29 F.R. 2314) was issued by the Assistant Secretary of the Treasury under date of January 29, 1964:

By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and 14 U.S.C. 631, and pursuant to the authority delegated to me by Treasury Department Order No. 190 (Revision 2), there are transferred to the Commandant, U.S. Coast Guard, the functions of the Secretary of the Treasury under Public Law 88-163, approved October 30, 1963, concerning exceptions to the rules of navigation for vessels.

With the exception of prescribing applicable rules and regulations, the Commandant may assign the functions transferred for performance by subordinates in the Coast Guard.

Lights of rafts and unspecified craft

33 U.S.C. 178(d) (Article 9(d))

(d) Rafts, or other water craft not herein provided for, navigating by hand power, horsepower, or by the current of the river, shall carry one or more good white lights, which shall be placed in such manner as shall be prescribed by the Commandant of the Coast Guard.

(June 7, 1897, c. 4, § 1, 30 Stat. 98; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Adoption of rules for navigation of Great Lakes, etc.

33 U.S.C. 241

The following rules for preventing collisions shall be followed in the navigation of all public and private vessels of the United States upon the Great Lakes and their connecting and tributary waters as far east as Montreal. (Feb. 8, 1895, c. 64, § 1, 28 Stat. 645.)

NOTE.—A separate pamphlet entitled "Rules of the Road—Great Lakes," CG-172, contains such laws, rules, and regulations, and therefore they have not been reprinted herein.

Special regulation by Commandant of the Coast Guard

33 U.S.C. 243

The Commandant of the Coast Guard shall have authority to establish all necessary regulations, not inconsistent with the provisions of this chapter, required to carry the same into effect.

The Commandant of the Coast Guard shall have authority to establish such regulations to be observed by all steam vessels in passing each other, not inconsistent with the provisions of this chapter, as he shall from time to time deem necessary; and all regulations adopted by the said Commandant of the Coast Guard under the authority of this chapter shall have the force of law. Two printed copies of any such regulations for passing, signed by him, shall be furnished to each steam vessel, and shall at all times be kept posted up in conspicuous places on board. (Feb. 8, 1895, c. 64, § 3, 28 Stat. 649; Feb. 14, 1903, c. 552, § 10, 32 Stat. 829; Mar. 4, 1913, c. 141, § 1, 37 Stat. 736; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Lights of small tugs, boats on River St. Lawrence, ferryboats, rafts, and canalboats; regulations

33 U.S.C. 256

The lights for tugs under one hundred tons register (net), whose principal business is harbor towing, and for boats navigating only on the River St. Lawrence, also ferryboats, rafts, and canalboats, shall be regulated by rules which have been or may hereafter be prescribed by the Commandant of the Coast Guard.

Lights of produce boats, canalboats, etc., navigating by hand or horsepower or by sail or by current, or at anchor

33 U.S.C. 259

Produce boats, canalboats, fishing boats, rafts, or other watercraft navigating any bay, harbor, or river by hand power, horsepower, sail, or by the current of the river, or which shall be anchored or moored in or near the channel or fairway of any bay, harbor, or river, and not otherwise provided for in these rules, shall carry one or more good white lights, which shall be placed in such manner as shall be prescribed by the Commandant of the Coast Guard.

Anchorage and general regulations for St. Marys River

33 U.S.C. 474

The Commandant of the Coast Guard is authorized and directed to adopt and prescribe suitable rules and regulations governing the movements and anchorage of vessels and rafts in St. Marys River from Point Iroquois, on Lake Superior, to Point Detour, on Lake Huron, and for the purpose of enforcing the observance of such regulations the Secretary of the Treasury is authorized to detail one or more Coast Guard cutters for duty upon the request of the Commandant of the Coast Guard on said river.

All officers of the Coast Guard who are directed to enforce the regulations prescribed by the above rules are empowered and directed, in case of necessity, or when a proper notice has been disregarded, to use the force at their command to remove from channels or stop any vessel found violating the prescribed rules.

In the event of the violation of any such regulations or rules of the Commandant of the Coast Guard by the owners, master, or person in charge of such vessel, such owners, master, or person in charge shall be liable to a penalty not exceeding \$200: *Provided*, That the Commandant of the Coast Guard may remit said fine on such terms as he may prescribe: *Provided also*, That nothing in this section shall be construed to amend or repeal chapter 4 of this title regulating navigation on the Great Lakes and their connecting and tributary waters as far east as Montreal. (Mar. 6, 1896, ch. 49, §§ 1-3, 29 Stat. 54-55; Apr. 26, 1906, ch. 1874, §§ 1, 2, 34 Stat. 136; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097; Aug. 4, 1949, ch. 393, §§ 1, 20, 63 Stat. 496, 561.)

Adoption of rules of navigation for Mississippi River and certain other rivers

33 U.S.C. 301 (R.S. 4233)

The following regulations for preventing collisions shall be followed by all vessels upon the waters of the Mississippi River between its source and the Huey P. Long Bridge and all of the tributaries emptying thereinto and their tributaries, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway, and the Red River of the North; and are declared special rules duly made by local authority. (R.S. § 4233; Aug. 19, 1890, c. 802, 26 Stat. 320; Feb. 8, 1895, c. 64, 28 Stat. 645; Feb. 19, 1895, c. 102, § 1, 28 Stat. 672; June 7, 1897, c. 4, 30 Stat. 96; May 21, 1948, c. 328, § 4, 62 Stat. 249; Aug. 8, 1953, c. 386, § 2, 67 Stat. 497.)

NOTE.—A separate pamphlet entitled "Rules of the Road—Western Rivers," CG-184, contains such laws, rules, and regulations, and therefore they have not been reprinted herein.

Additional lights; lights of steam vessels not otherwise provided for

33 U.S.C. 316(b) (Rule numbered 7(b)) (R.S. 4233)

(b) The lights for barges, canalboats, scows, and other vessels of nondescript type, when in tow of steam vessels, and for ferryboats,

shall be as prescribed by the Commandant, United States Coast Guard. (R.S. § 4233; Mar. 3, 1893, c. 202, 27 Stat. 557; Feb. 19, 1895, c. 102, § 1, 28 Stat. 672; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097; May 21, 1948, c. 328, § 4, 62 Stat. 250.)

Establishment of special rules; publication; hearings

33 U.S.C. 353 (R.S. 4233A)

(a) The Secretary of the Department in which the Coast Guard is operating shall establish such rules to be observed, on the waters described in section 301 of this title, by steam vessels in passing each other and as to the lights and day signals to be carried on such waters by ferryboats, by vessels and craft of all types when in tow of steam vessels or operating by hand power or horsepower or drifting with the current, and by any other vessels not otherwise provided for, not inconsistent with the provisions of this Act, as he from time to time may deem necessary for safety, which rules are declared special rules duly made by local authority. A pamphlet containing such Act and regulations shall be furnished to all vessels and craft subject to this Act. On vessels and craft over sixty-five feet in length the pamphlet shall, where practicable, be kept on board and available for ready reference.

(b) Except in an emergency, before any rules or any alteration, amendment, or repeal thereof, are established by the Secretary under the provisions of this section, the said Secretary shall publish the proposed rules, alterations, amendments, or repeals, and public hearings shall be held with respect thereto on such notice as the Secretary deems reasonable under the circumstances. (As amended Aug. 14, 1958, Public Law 85-656, § 2, 72 Stat. 612.)

Delegation of Functions

The following Treasury Department Order 167-33 (23 F.R. 7592) was issued by the Acting Secretary of the Treasury under date of September 23, 1958:

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, and by 14 U.S.C. 631, there are transferred to the Commandant, U.S. Coast Guard, the functions of the Secretary of the Treasury under Public Law 85-656 (72 Stat. 612, 613) relating to Pilot Rules for Certain Inland Waters and Pilot Rules for Western Rivers.

The Commandant may make provision for the performance by subordinates in the Coast Guard of any of the functions transferred except the functions of prescribing rules and regulations.

Exemption of Navy and Coast Guard vessels from compliance with International Rules of the Road

33 U.S.C. 356

Where any Navy or Coast Guard vessel of special construction, as certified to by the Secretary of the Navy, or the Secretary of the Treasury in the case of Coast Guard vessels operating under the Treasury Department, or such official or officials as either may designate, is now or may hereafter by virtue of statute, convention, or treaty,

be exempt from compliance with any requirements of the International Rules of the Road, such type of vessel shall similarly be exempt from compliance with any corresponding requirement under the rules specified in sections 154, 157-159, 173, and 301-356 of this title. (May 21, 1948, c. 328, § 5, 62 Stat. 250.)

Vessels of special construction exempted from requirements as to number, position, etc., of lights; certification of lights; compliance where possible

33 U.S.C. 360

Any requirement as to the number, position, range of visibility, or arc of visibility of lights required to be displayed by vessels under sections 61-141 of this title; or sections 154-231 of this title; or sections 241-294 of this title; or sections 301-356 of this title; and all laws amendatory thereto, shall not apply to any vessel of the Navy or of the Coast Guard, where the Secretary of the Navy, or the Secretary of the Treasury in the case of Coast Guard vessels operating under the Treasury Department, or such official or officials as either may designate, shall find or certify that, by reason of special construction, it is not possible with respect to such vessel or class of vessels to comply with the statutory provisions as to the number, position, range of visibility, or arc of visibility of lights. The lights of any such exempted vessel or class of vessels shall, however, comply as closely to the requirements of the applicable sections as the Secretary shall find to be feasible. (Dec. 3, 1945, c. 511, § 1, 59 Stat. 590.)

Publication of notice and character and number of lights

33 U.S.C. 360a

When the Secretary of the Navy or the Secretary of the Treasury, or such official or officials as either may designate, shall make any finding or certification as prescribed in section 360 of this title, notice of such finding or certification and the character and position of the lights to be displayed on such vessel shall be published in "Notice to Mariners". (Dec. 3, 1945, c. 511, § 2, 59 Stat. 591.)

International Rules, 1960

33 U.S.C. 1061-1094

The regulations authorized to be proclaimed under 33 U.S.C. 1051 are the Regulations for Preventing Collisions at Sea, 1960, approved by the International Conference on Safety of Life at Sea, 1960, held at London from May 17, 1960, to June 17, 1960, as follows:

REGULATIONS FOR PREVENTING COLLISIONS AT SEA

PART A.—PRELIMINARY AND DEFINITIONS

33 U.S.C. 1061 (Rule 1)

(a) These Rules shall be followed by all vessels and seaplanes upon the high seas and in all waters connected therewith navigable by seagoing vessels, except as provided in Rule 30. Where, as a result of their special construction, it is not possible for seaplanes to comply

fully with the provisions of Rules specifying the carrying of lights and shapes, these provisions shall be followed as closely as circumstances permit.

(b) The Rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for the prescribed lights or do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out. The lights prescribed by these Rules may also be exhibited from sunrise to sunset in restricted visibility and in all other circumstances when it is deemed necessary.

(c) In the following Rules, except where the context otherwise requires—

(i) the word “vessel” includes every description of water craft, other than a seaplane on the water, used or capable of being used as a means of transportation on water;

(ii) the word “seaplane” includes a flying boat and any other aircraft designed to manoeuvre on the water;

(iii) the term “power-driven vessel” means any vessel propelled by machinery;

(iv) every power-driven vessel which is under sail and not under power is to be considered a sailing vessel, and every vessel under power, whether under sail or not, is to be considered a power-driven vessel;

(v) a vessel or seaplane on the water is “under way” when she is not at anchor, or made fast to the shore, or aground;

(vi) the term “height above the hull” means height above the uppermost continuous deck;

(vii) the length and breadth of a vessel shall be her length overall and largest breadth;

(viii) the length and span of a seaplane shall be its maximum length and span as shown in its certificate of airworthiness, or as determined by measurement in the absence of such certificate;

(ix) vessels shall be deemed to be in sight of one another only when one can be observed visually from the other;

(x) the word “visible” when applied to lights, means visible on a dark night with a clear atmosphere;

(xi) the term “short blast” means a blast of about one second’s duration;

(xii) the term “prolonged blast” means a blast of from four to six seconds’ duration;

(xiii) the word “whistle” means any appliance capable of producing the prescribed short and prolonged blasts;

(xiv) the term “engaged in fishing” means fishing with nets, lines or trawls but does not include fishing with trolling lines.

PART B.—LIGHTS AND SHAPES

33 U.S.C. 1062 (Rule 2)

(a) A power-driven vessel when under way shall carry—

(i) On or in front of the foremast, or if a vessel without a foremast then in the forepart of the vessel, a white light so con-

structed as to show an unbroken light over an arc of the horizon of 225 degrees (20 points of the compass), so fixed as to show the light $112\frac{1}{2}$ degrees (10 points) on each side of the vessel, that is, from right ahead to $22\frac{1}{2}$ degrees (2 points) abaft the beam on either side, and of such a character as to be visible at a distance of at least 5 miles.

(ii) Either forward or abaft the white light prescribed in sub-section (i) a second white light similar in construction and character to that light. Vessels of less than 150 feet in length shall not be required to carry this second white light but may do so.

(iii) These two white lights shall be so placed in a line with and over the keel that one shall be at least 15 feet higher than the other and in such a position that the forward light shall always be shown lower than the after one. The horizontal distance between the two white lights shall be at least three times the vertical distance. The lower of these two white lights or, if only one is carried, then that light, shall be placed at a height above the hull of not less than 20 feet, and, if the breadth of the vessel exceeds 20 feet, then at a height above the hull not less than such breadth, so however that the light need not be placed at a greater height above the hull than 40 feet. In all circumstances the light or lights, as the case may be, shall be so placed as to be clear of and above all other lights and obstructing superstructures.

(iv) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of $112\frac{1}{2}$ degrees (10 points of the compass), so fixed as to show the light from right ahead to $22\frac{1}{2}$ degrees (2 points) abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.

(v) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of $112\frac{1}{2}$ degrees (10 points of the compass), so fixed as to show the light from right ahead to $22\frac{1}{2}$ degrees (2 points) abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.

(vi) The said green and red sidelights shall be fitted with inboard screens projecting at least 3 feet forward from the light, so as to prevent these lights from being seen across the bows.

(b) A seaplane under way on the water shall carry—

(i) In the forepart amidships where it can best be seen a white light, so constructed as to show an unbroken light over an arc of the horizon of 220 degrees of the compass, so fixed as to show the light 110 degrees on each side of the seaplane, namely, from right ahead to 20 degrees abaft the beam on either side, and of such a character as to be visible at a distance of at least 3 miles.

(ii) On the right or starboard wing tip a green light, so constructed as to show an unbroken light over an arc of the horizon of 110 degrees of the compass, so fixed as to show the light from right ahead to 20 degrees abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.

(iii) On the left or port wing tip a red light, so constructed as to show an unbroken light over an arc of the horizon of 110 degrees

of the compass, so fixed as to show the light from right ahead to 20 degrees abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.

33 U.S.C. 1063 (Rule 3)

(a) A power-driven vessel when towing or pushing another vessel or seaplane shall, in addition to her sidelights, carry two white lights in a vertical line one over the other, not less than 6 feet apart, and when towing and the length of the tow, measuring from the stern of the towing vessel to the stern of the last vessel towed, exceeds 600 feet, shall carry three white lights in a vertical line one over the other, so that the upper and lower lights shall be the same distance from, and not less than 6 feet above or below, the middle light. Each of these lights shall be of the same construction and character and one of them shall be carried in the same position as the white light prescribed in Rule 2(a) (i). None of these lights shall be carried at a height of less than 14 feet above the hull. In a vessel with a single mast, such lights may be carried on the mast.

(b) The towing vessel shall also show either the stern light prescribed in Rule 10 or in lieu of that light a small white light abaft the funnel or aftermast for the tow to steer by, but such light shall not be visible forward of the beam.

(c) Between sunrise and sunset a power-driven vessel engaged in towing, if the length of tow exceeds 600 feet, shall carry, where it can best be seen, a black diamond shape at least 2 feet in diameter.

(d) A seaplane on the water, when towing one or more seaplanes or vessels, shall carry the lights prescribed in Rule 2(b) (i), (ii), and (iii); and, in addition, she shall carry a second white light of the same construction and character as the white light prescribed in Rule 2(b) (i), and in a vertical line at least 6 feet above or below such light.

33 U.S.C. 1064 (Rule 4)

(a) A vessel which is not under command shall carry, where they can best be seen, and, if a power-driven vessel, in lieu of the lights prescribed in Rule 2(a) (i) and (ii), two red lights in a vertical line one over the other not less than 6 feet apart, and of such a character as to be visible all round the horizon at a distance of at least 2 miles. By day, she shall carry in a vertical line one over the other not less than 6 feet apart, where they can best be seen, two black balls or shapes each not less than 2 feet in diameter.

(b) A seaplane on the water which is not under command may carry, where they can best be seen, and in lieu of the light prescribed in Rule 2(b) (i), two red lights in a vertical line, one over the other, not less than 3 feet apart, and of such a character as to be visible all round the horizon at a distance of at least 2 miles, and may by day carry in a vertical line one over the other not less than 3 feet apart, where they can best be seen, two black balls or shapes, each not less than 2 feet in diameter.

(c) A vessel engaged in laying or in picking up a submarine cable or navigation mark, or a vessel engaged in surveying or underwater operations, or a vessel engaged in replenishment at sea, or in the launching or recovery of aircraft when from the nature of her work

she is unable to get out of the way of approaching vessels, shall carry, in lieu of the lights prescribed in Rule 2 (a) (i) and (ii), or Rule 7 (a) (i), three lights in a vertical line one over the other so that the upper and lower lights shall be the same distance from, and not less than 6 feet above or below, the middle light. The highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a character as to be visible all round the horizon at a distance of at least 2 miles. By day, she shall carry in a vertical line one over the other not less than 6 feet apart, where they can best be seen, three shapes each not less than 2 feet in diameter, of which the highest and lowest shall be globular in shape and red in colour, and the middle one diamond in shape and white.

(d) (i) A vessel engaged in minesweeping operations shall carry at the fore truck a green light, and at the end or ends of the fore yard on the side or sides on which danger exists, another such light or lights. These lights shall be carried in addition to the light prescribed in Rule 2(a) (i) or Rule 7(a) (i), as appropriate, and shall be of such a character as to be visible all round the horizon at a distance of at least 2 miles. By day she shall carry black balls, not less than 2 feet in diameter, in the same position as the green lights.

(ii) the showing of these lights or balls indicates that it is dangerous for other vessels to approach closer than 3,000 feet astern of the minesweeper or 1,500 feet on the side or sides on which danger exists.

(e) The vessels and seaplanes referred to in this Rule, when not making way through the water, shall show neither the coloured sidelights nor the stern light, but when making way they shall show them.

(f) The lights and shapes prescribed in this Rule are to be taken by other vessels and seaplanes as signals that the vessel or seaplane showing them is not under command and cannot therefore get out of the way.

(g) These signals are not signals of vessels in distress and requiring assistance. Such signals are contained in Rule 31.

33 U.S.C. 1065 (Rule 5)

(a) A sailing vessel under way and any vessel or seaplane being towed shall carry the same lights as are prescribed in Rule 2 for a power-driven vessel or a seaplane under way, respectively, with the exception of the white lights prescribed therein, which they shall never carry. They shall also carry stern lights as prescribed in Rule 10, provided that vessels towed, except the last vessel of a tow, may carry, in lieu of such stern light, a small white light as prescribed in Rule 3(b).

(b) In addition to the lights prescribed in section (a), a sailing vessel may carry on the top of the foremast two lights in a vertical line one over the other, sufficiently separated so as to be clearly distinguished. The upper light shall be red and the lower light shall be green. Both lights shall be constructed and fixed as prescribed in Rule 2(a) (i) and shall be visible at a distance of at least 2 miles.

(c) A vessel being pushed ahead shall carry, at the forward end, on the starboard side a green light and on the port side a red light, which shall have the same characteristics as the lights prescribed in

Rule 2 (a) (iv) and (v) and shall be screened as provided in Rule 2(a) (vi), provided that any number of vessels pushed ahead in a group shall be lighted as one vessel.

(d) Between sunrise and sunset a vessel being towed, if the length of the tow exceeds 600 feet, shall carry where it can best be seen a black diamond shape at least 2 feet in diameter.

33 U.S.C. 1066 (Rule 6)

(a) When it is not possible on account of bad weather or other sufficient cause to fix the green and red sidelights, these lights shall be kept at hand, lighted and ready for immediate use, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side, nor, if practicable, more than $22\frac{1}{2}$ degrees (2 points) abaft the beam on their respective sides.

(b) To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the colour of the lights they respectively contain, and shall be provided with proper screens.

33 U.S.C. 1067 (Rule 7)

Power-driven vessels of less than 65 feet in length, vessels under oars or sails of less than 40 feet in length, and rowing boats, when under way shall not be required to carry the lights prescribed in Rules 2, 3 and 5, but if they do not carry them they shall be provided with the following lights—

(a) Power-driven vessels of less than 65 feet in length, except as provided in sections (b) and (c), shall carry—

(i) In the forepart of the vessel, where it can best be seen, and at a height above the gunwale of not less than 9 feet, a white light constructed and fixed as prescribed in Rule 2(a) (i) and of such a character as to be visible at a distance of at least 3 miles.

(ii) Green and red sidelights constructed and fixed as prescribed in Rule 2(a) (iv) and (v), and of such a character as to be visible at a distance of at least 1 mile, or a combined lantern showing a green light and a red light from right ahead to $22\frac{1}{2}$ degrees (2 points) abaft the beam on their respective sides. Such lantern shall be carried not less than 3 feet below the white light.

(b) Power-driven vessels of less than 65 feet in length when towing or pushing another vessel shall carry—

(i) In addition to the sidelights or the combined lantern prescribed in section (a) (ii) two white lights in a vertical line, one over the other not less than 4 feet apart. Each of these lights shall be of the same construction and character as the white light prescribed in section (a) (i) and one of them shall be carried in the same position. In a vessel with a single mast such lights may be carried on the mast.

(ii) Either a stern light as prescribed in Rule 10 or in lieu of that light a small white light abaft the funnel or aftermast for

the tow to steer by, but such light shall not be visible forward of the beam.

(c) Power-driven vessels of less than 40 feet in length may carry the white light at a less height than 9 feet above the gunwale but it shall be carried not less than 3 feet above the sidelights or the combined lantern prescribed in section (a) (ii).

(d) Vessels of less than 40 feet in length, under oars or sails, except as provided in section (f), shall, if they do not carry the sidelights, carry, where it can best be seen, a lantern showing a green light on one side and a red light on the other, of such a character as to be visible at a distance of at least 1 mile, and so fixed that the green light shall not be seen on the port side, nor the red light on the starboard side. Where it is not possible to fix this light, it shall be kept ready for immediate use and shall be exhibited in sufficient time to prevent collision and so that the green light shall not be seen on the port side nor the red light on the starboard side.

(e) The vessels referred to in this Rule when being towed shall carry the sidelights or the combined lantern prescribed in sections (a) or (d) of this Rule, as appropriate, and a stern light as prescribed in Rule 10, or, except the last vessel of the tow, a small white light as prescribed in section (b) (ii). When being pushed ahead they shall carry at the forward end the sidelights or combined lantern prescribed in sections (a) or (d) of this Rule, as appropriate, provided that any number of vessels referred to in this Rule when pushed ahead in a group shall be lighted as one vessel under this Rule unless the overall length of the group exceeds 65 feet when the provisions of Rule 5(c) shall apply.

(f) Small rowing boats, whether under oars or sail, shall only be required to have ready at hand an electric torch or a lighted lantern, showing a white light, which shall be exhibited in sufficient time to prevent collision.

(g) The vessels and boats referred to in this Rule shall not be required to carry the lights or shapes prescribed in Rules 4(a) and 11(e) and the size of their day signals may be less than is prescribed in Rules 4(c) and 11(c).

33 U.S.C. 1068 (Rule 8)

(a) A power-driven pilot-vessel when engaged on pilotage duty and under way—

(i) Shall carry a white light at the masthead at a height of not less than 20 feet above the hull, visible all round the horizon at a distance of at least 3 miles and at a distance of 8 feet below it a red light similar in construction and character. If such a vessel is of less than 65 feet in length she may carry the white light at a height of not less than 9 feet above the gunwale and the red light at a distance of 4 feet below the white light.

(ii) Shall carry the sidelights or lanterns prescribed in Rule 2(a) (iv) and (v) or Rule 7 (a) (ii) or (d), as appropriate, and the stern light prescribed in Rule 10.

(iii) Shall show one or more flare-up lights at intervals not exceeding 10 minutes. An intermittent white light visible all round the horizon may be used in lieu of flare-up lights.

(b) A sailing pilot-vessel when engaged on pilotage duty and under way—

(i) Shall carry a white light at the masthead visible all round the horizon at a distance of at least 3 miles.

(ii) Shall be provided with the sidelights or lantern prescribed in Rules 5(a) or 7(d), as appropriate, and shall, on the near approach of or to other vessels, have such lights ready for use, and shall show them at short intervals to indicate the direction in which she is heading, but the green light shall not be shown on the port side nor the red light on the starboard side. She shall also carry the stern light prescribed in Rule 10.

(iii) Shall show one or more flare-up lights at intervals not exceeding ten minutes.

(c) A pilot-vessel when engaged on pilotage duty and not under way shall carry the lights and show the flares prescribed in sections (a) (i) and (iii) or (b) (i) and (iii), as appropriate, and if at anchor shall also carry the anchor lights prescribed in Rule 11.

(d) A pilot-vessel when not engaged on pilotage duty shall show the lights or shapes for a similar vessel of her length.

33 U.S.C. 1069 (Rule 9)

(a) Fishing vessels when not engaged in fishing shall show the lights or shapes for similar vessels of their length.

(b) Vessels engaged in fishing, when under way or at anchor, shall show only the lights and shapes prescribed in this Rule, which lights and shapes shall be visible at a distance of at least 2 miles.

(c) (i) Vessels when engaged in trawling, by which is meant the dragging of a dredge net or other apparatus through the water, shall carry two lights in a vertical line, one over the other, not less than 4 feet nor more than 12 feet apart. The upper of these lights shall be green and the lower light white and each shall be visible all round the horizon. The lower of these two lights shall be carried at a height above the sidelights not less than twice the distance between the two vertical lights.

(ii) Such vessels may in addition carry a white light similar in construction to the white light prescribed in Rule 2(a) (i) but such light shall be carried lower than and abaft the all-round green and white lights.

(d) Vessels when engaged in fishing, except vessels engaged in trawling, shall carry the lights prescribed in section (c) (i) except that the upper of the two vertical lights shall be red. Such vessels if of less than 40 feet in length may carry the red light at a height of not less than 9 feet above the gunwale and the white light not less than 3 feet below the red light.

(e) Vessels referred to in sections (c) and (d), when making way through the water, shall carry the sidelights or lanterns prescribed in Rule 2(a) (iv) and (v) or Rule 7 (a) (ii) or (d), as appropriate, and the stern light prescribed in Rule 10. When not making way through the water they shall show neither the sidelights nor the stern light.

(f) Vessels referred to in section (d) with outlying gear extending more than 500 feet horizontally into the seaway shall carry an

additional all-round white light at a horizontal distance of not less than 6 feet nor more than 20 feet away from the vertical lights in the direction of the outlying gear. This additional white light shall be placed at a height not exceeding that of the white light prescribed in section (c) (i) and not lower than the sidelights.

(g) In addition to the lights which they are required by this Rule to carry, vessels engaged in fishing may, if necessary in order to attract the attention of an approaching vessel, use a flare-up light, or may direct the beam of their searchlight in the direction of a danger threatening the approaching vessel, in such a way as not to embarrass other vessels. They may also use working lights but fishermen shall take into account that specially bright or insufficiently screened working lights may impair the visibility and distinctive character of the lights prescribed in this Rule.

(h) By day vessels when engaged in fishing shall indicate their occupation by displaying where it can best be seen a black shape consisting of two cones each not less than 2 feet in diameter with their points together one above the other. Such vessels if of less than 65 feet in length may substitute a basket for such black shape. If their outlying gear extends more than 500 feet horizontally into the seaway vessels engaged in fishing shall display in addition one black conical shape, point upwards, in the direction of the outlying gear.

NOTE.—Vessels fishing with trolling lines are not "engaged in fishing" as defined in Rule 1(c) (xiv).

33 U.S.C. 1070 (Rule 10)

(a) Except where otherwise provided in these rules, a vessel when under way shall carry at her stern a white light, so constructed that it shall show an unbroken light over an arc of the horizon of 135 degrees (12 Points of the compass), so fixed as to show the light $67\frac{1}{2}$ degrees (6 points) from right aft on each side of the vessel, and of such a character as to be visible at a distance of at least 2 miles.

(b) In a small vessel, if it is not possible on account of bad weather or other sufficient cause for this light to be fixed, an electric torch or a lighted lantern showing a white light shall be kept at hand ready for use and shall, on the approach of an overtaking vessel, be shown in sufficient time to prevent collision.

(c) A seaplane on the water when under way shall carry on her tail a white light, so constructed as to show an unbroken light over an arc of the horizon of 140 degrees of the compass, so fixed as to show the light 70 degrees from right aft on each side of the seaplane, and of such a character as to be visible at a distance of at least 2 miles.

33 U.S.C. 1071 (Rule 11)

(a) A vessel of less than 150 feet in length, when at anchor, shall carry in the forepart of the vessel, where it can best be seen, a white light visible all round the horizon at a distance of at least 2 miles. Such a vessel may also carry a second white light in the position prescribed in section (b) of this Rule but shall not be required to do so. The second white light, if carried, shall be visible at a distance of at least 2 miles and so placed as to be as far as possible visible all round the horizon.

(b) A vessel of 150 feet or more in length, when at anchor, shall carry near the stem of the vessel, at a height of not less than 20 feet above the hull, one such light, and at or near the stern of the vessel and at such a height that it shall be not less than 15 feet lower than the forward light, another such light. Both these lights shall be visible at a distance of at least 3 miles and so placed as to be as far as possible visible all round the horizon.

(c) Between sunrise and sunset every vessel when at anchor shall carry in the forepart of the vessel, where it can best be seen, one black ball not less than 2 feet in diameter.

(d) A vessel engaged in laying or in picking up a submarine cable or navigation mark, or a vessel engaged in surveying or underwater operations, when at anchor, shall carry the lights or shapes prescribed in Rule 4(c) in addition to those prescribed in the appropriate preceding sections of this Rule.

(e) A vessel aground shall carry the light or lights prescribed in sections (a) or (b) and the two red lights prescribed in Rule 4(a). By day she shall carry, where they can best be seen, three black balls, each not less than 2 feet in diameter, placed in a vertical line one over the other, not less than 6 feet apart.

(f) A seaplane on the water under 150 feet in length, when at anchor, shall carry, where it can best be seen, a white light, visible all round the horizon at a distance of at least 2 miles.

(g) A seaplane on the water 150 feet or upwards in length, when at anchor, shall carry, where they can best be seen, a white light forward and a white light aft, both lights visible all round the horizon at a distance of at least 3 miles; and, in addition, if the seaplane is more than 150 feet in span, a white light on each side to indicate the maximum span, and visible, so far as practicable, all round the horizon at a distance of 1 mile.

(h) A seaplane aground shall carry an anchor light or lights as prescribed in sections (f) and (g), and in addition may carry two red lights in a vertical line, at least 3 feet apart, so placed as to be visible all round the horizon.

33 U.S.C. 1072 (Rule 12)

Every vessel or seaplane on the water may, if necessary in order to attract attention, in addition to the lights which she is by these Rules required to carry, show a flare-up light or use a detonating or other efficient sound signal that cannot be mistaken for any signal authorised elsewhere under these Rules.

33 U.S.C. 1073 (Rule 13)

(a) Nothing in these Rules shall interfere with the operation of any special rules made by the Government of any nation with respect to additional station and signal lights for ships of war, for vessels sailing under convoy, for fishing vessels engaged in fishing as a fleet or for seaplanes on the water.

(b) Whenever the Government concerned shall have determined that a naval or other military vessel or waterborne seaplane of special construction or purpose cannot comply fully with the provisions of any of these Rules with respect to the number, position, range or arc

of visibility of lights or shapes, without interfering with the military function of the vessel or seaplane, such vessel or seaplane shall comply with such other provisions in regard to the number, position, range or arc of visibility of lights or shapes as her Government shall have determined to be the closest possible compliance with these Rules in respect of that vessel or seaplane.

33 U.S.C. 1074 (Rule 14)

A vessel proceeding under sail, when also being propelled by machinery, shall carry in the daytime forward, where it can best be seen, one black conical shape, point downwards, not less than 2 feet in diameter at its base.

PART C.—SOUND SIGNALS AND CONDUCT IN RESTRICTED VISIBILITY.

PRELIMINARY

33 U.S.C. 1075

1. The possession of information obtained from radar does not relieve any vessel of the obligation of conforming strictly with the Rules and, in particular, the obligations contained in Rules 15 and 16.

2. The Annex to the Rules contains recommendations intended to assist in the use of radar as an aid to avoiding collisions in restricted visibility.

33 U.S.C. 1076 (Rule 15)

(a) A power-driven vessel of 40 feet or more in length shall be provided with an efficient whistle, sounded by steam or by some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient fog horn to be sounded by mechanical means, and also with an efficient bell. A sailing vessel of 40 feet or more in length shall be provided with a similar fog horn and bell.

(b) All signals prescribed in this Rule for vessels under way shall be given—

- (i) by power-driven vessels on the whistle;
- (ii) by sailing vessels on the fog horn;
- (iii) by vessels towed on the whistle or fog horn.

(c) In fog, mist, falling snow, heavy rainstorms, or any other condition similarly restricting visibility, whether by day or night, the signals prescribed in this Rule shall be used as follows—

(i) A power-driven vessel making way through the water shall sound at intervals of not more than 2 minutes a prolonged blast.

(ii) A power-driven vessel under way, but stopped and making no way through the water, shall sound at intervals of not more than 2 minutes two prolonged blasts, with an interval of about 1 second between them.

(iii) A sailing vessel under way shall sound, at intervals of not more than 1 minute, when on the starboard tack one blast, when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession.

(iv) A vessel when at anchor shall at intervals of not more than 1 minute ring the bell rapidly for about 5 seconds. In vessels of more than 350 feet in length the bell shall be sounded in the forepart of the vessel, and in addition there shall be sounded in the after part of the vessel, at intervals of not more than 1 minute for about 5 seconds, a gong or other instrument, the tone and sounding of which cannot be confused with that of the bell. Every vessel at anchor may in addition, in accordance with Rule 12, sound three blasts in succession, namely, one short, one prolonged, and one short blast, to give warning of her position and of the possibility of collision to an approaching vessel.

(v) A vessel when towing, a vessel engaged in laying or in picking up a submarine cable or navigation mark, and a vessel under way which is unable to get out of the way of an approaching vessel through being not under command or unable to manoeuvre as required by these Rules shall, instead of the signals prescribed in subsections (i), (ii), and (iii) sound, at intervals of not more than 1 minute, three blasts in succession, namely, one prolonged blast followed by two short blasts.

(vi) A vessel towed, or, if more than one vessel is towed, only the last vessel of the tow, if manned, shall, at intervals of not more than 1 minute, sound four blasts in succession, namely, one prolonged blast followed by three short blasts. When practicable, this signal shall be made immediately after the signal made by the towing vessel.

(vii) A vessel aground shall give the bell signal and, if required, the gong signal, prescribed in sub-section (iv) and shall, in addition, give 3 separate and distinct strokes on the bell immediately before and after such rapid ringing of the bell.

(viii) A vessel engaged in fishing when under way or at anchor shall at intervals of not more than 1 minute sound the signal prescribed in sub-section (v). A vessel when fishing with trolling lines and under way shall sound the signals prescribed in subsections (i), (ii) or (iii) as may be appropriate.

(ix) A vessel of less than 40 feet in length, a rowing boat, or a seaplane on the water, shall not be obliged to give the above-mentioned signals but if she does not, she shall make some other efficient sound signal at intervals of not more than 1 minute.

(x) A power-driven pilot-vessel when engaged on pilotage duty may, in addition to the signals prescribed in sub-sections (i), (ii), and (iv), sound an identity signal consisting of 4 short blasts.

33 U.S.C. 1077 (Rule 16)

(a) Every vessel, or seaplane when taxiing on the water, shall, in fog, mist, falling snow, heavy rainstorms or any other condition similarly restricting visibility, go at a moderate speed, having careful regard to the existing circumstances and conditions.

(b) A power-driven vessel hearing, apparently forward of her beam, the fog-signal of a vessel the position of which is not ascertained, shall, so far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over.

(c) A power-driven vessel which detects the presence of another vessel forward of her beam before hearing her fog signal or sighting her visually may take early and substantial action to avoid a close quarters situation but, if this cannot be avoided, she shall, so far as the circumstances of the case admit, stop her engines in proper time to avoid collision and then navigate with caution until danger of collision is over.

PART D.—STEERING AND SAILING RULES

PRELIMINARY

33 U.S.C. 1078

1. In obeying and construing these Rules, any action taken should be positive, in ample time, and with due regard to the observance of good seamanship.

2. Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.

3. Mariners should bear in mind that seaplanes in the act of landing or taking off, or operating under adverse weather conditions, may be unable to change their intended action at the last moment.

4. Rules 17 to 24 apply only to vessels in sight of one another.

33 U.S.C. 1079 (Rule 17)

(a) When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows—

(i) When each has the wind on a different side, the vessel which has the wind on the port side shall keep out of the way of the other.

(ii) When both have the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward.

(b) For the purposes of this Rule the windward side shall be deemed to be the side opposite to that on which the mainsail is carried or, in the case of a square-rigged vessel, the side opposite to that on which the largest fore-and-aft sail is carried.

33 U.S.C. 1080 (Rule 18)

(a) When two power-driven vessels are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other. This Rule only applies to cases where vessels are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two vessels which must, if both keep on their respective course, pass clear of each other. The only cases to which it does apply are when each of two vessels is end on, or nearly end on, to the other; in other words, to cases in which, by day, each vessel sees the masts of the other in a line, or nearly in a line, with her own; and by night, to cases in which each vessel is in such a position as to see both the sidelights of the other. It does not apply, by day, to cases in which a vessel sees another ahead crossing her own course; or, by night, to

cases where the red light of one vessel is opposed to the red light of the other or where the green light of one vessel is opposed to the green light of the other or where a red light without a green light or a green light without a red light is seen ahead, or where both green and red lights are seen anywhere but ahead.

(b) For the purposes of this Rule and Rules 19 to 29 inclusive, except Rule 20(c) and Rule 28, a seaplane on the water shall be deemed to be a vessel, and the expression "power-driven vessel" shall be construed accordingly.

33 U.S.C. 1081 (Rule 19)

When two power-driven vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

33 U.S.C. 1082 (Rule 20)

(a) When a power-driven vessel and a sailing vessel are proceeding in such directions as to involve risk of collision, except as provided for in Rules 24 and 26, the power-driven vessel shall keep out of the way of the sailing vessel.

(b) This Rule shall not give to a sailing vessel the right to hamper in a narrow channel, the safe passage of a power-driven vessel which can navigate only inside such channel.

(c) A seaplane on the water shall, in general, keep well clear of all vessels and avoid impeding their navigation. In circumstances, however, where risk of collision exists, she shall comply with these Rules.

33 U.S.C. 1083 (Rule 21)

Where by any of these Rules one of two vessels is to keep out of the way, the other shall keep her course and speed. When, from any cause, the latter vessel finds herself so close that collision cannot be avoided by the action of the giving-way vessel alone, she also shall take such action as will best aid to avert collision (see Rules 27 and 29).

33 U.S.C. 1084 (Rule 22)

Every vessel which is directed by these Rules to keep out of the way of another vessel shall, so far as possible, take positive early action to comply with this obligation, and shall, if the circumstances of the case admit, avoid crossing ahead of the other.

33 U.S.C. 1085 (Rule 23)

Every power-driven vessel which is directed by these Rules to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse.

33 U.S.C. 1086 (Rule 24)

(a) Notwithstanding anything contained in these Rules, every vessel overtaking any other shall keep out of the way of the overtaken vessel.

(b) Every vessel coming up with another vessel from any direction more than $22\frac{1}{2}$ degrees (2 points) abaft her beam, i.e., in such a position, with reference to the vessel which she is overtaking, that

at night she would be unable to see either of that vessel's sidelights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of these Rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

(c) If the overtaking vessel cannot determine with certainty whether she is forward of or abaft this direction from the other vessel, she shall assume that she is an overtaking vessel and keep out of the way.

33 U.S.C. 1087 (Rule 25)

(a) In a narrow channel every power-driven vessel when proceeding along the course of the channel shall, when it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such vessel.

(b) Whenever a power-driven vessel is nearing a bend in a channel where a vessel approaching from the other direction cannot be seen, such power-driven vessel, when she shall have arrived within one-half ($\frac{1}{2}$) mile of the bend, shall give a signal by one prolonged blast on her whistle which signal shall be answered by a similar blast given by any approaching power-driven vessel that may be within hearing around the bend. Regardless of whether an approaching vessel on the farther side of the bend is heard, such bend shall be rounded with alertness and caution.

(c) In a narrow channel a power-driven vessel of less than 65 feet in length shall not hamper the safe passage of a vessel which can navigate only inside such channel.

33 U.S.C. 1088 (Rule 26)

All vessels not engaged in fishing, except vessels to which the provisions of Rule 4 apply, shall, when under way, keep out of the way of vessels engaged in fishing. This Rule shall not give to any vessel engaged in fishing the right of obstructing a fairway used by vessels other than fishing vessels.

33 U.S.C. 1089 (Rule 27)

In obeying and construing these Rules due regard shall be had to all dangers of navigation and collision, and to any special circumstances, including the limitations of the craft involved, which may render a departure from the above Rules necessary in order to avoid immediate danger.

PART E.—SOUND SIGNALS FOR VESSELS IN SIGHT OF ONE ANOTHER

33 U.S.C. 1090 (Rule 28)

(a) When vessels are in sight of one another, a power-driven vessel under way, in taking any course authorised or required by these Rules, shall indicate that course by the following signals on her whistle, namely—

One short blast to mean "I am altering my course to starboard".

Two short blasts to mean "I am altering my course to port".

Three short blasts to mean "My engines are going astern".

(b) Whenever a power-driven vessel which, under these Rules, is to keep her course and speed, is in sight of another vessel and is in doubt whether sufficient action is being taken by the other vessel to avert collision, she may indicate such doubt by giving at least five short and rapid blasts on the whistle. The giving of such a signal shall not relieve a vessel of her obligations under Rules 27 and 29 or any other Rule, or of her duty to indicate any action taken under these Rules by giving the appropriate sound signals laid down in this Rule.

(c) Any whistle signal mentioned in this Rule may be further indicated by a visual signal consisting of a white light visible all round the horizon at a distance of at least 5 miles, and so devised that it will operate simultaneously and in conjunction with the whistle-sounding mechanism and remain lighted and visible during the same period as the sound signal.

(d) Nothing in these Rules shall interfere with the operation of any special rules made by the Government of any nation with respect to the use of additional whistle signals between ships of war or vessels sailing under convoy.

PART F.—MISCELLANEOUS

33 U.S.C. 1091 (Rule 29)

Nothing in these Rules shall exonerate any vessel, or the owner, master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

RESERVATION OF RULES FOR HARBOURS AND INLAND NAVIGATION

33 U.S.C. 1092 (Rule 30)

Nothing in these Rules shall interfere with the operation of a special rule duly made by local authority relative to the navigation of any harbour, river, lake, or inland water, including a reserved seaplane area.

DISTRESS SIGNALS

33 U.S.C. 1093 (Rule 31)

(a) When a vessel or seaplane on the water is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately, namely—

(i) A gun or other explosive signal fired at intervals of about a minute.

(ii) A continuous sounding with any fog-signalling apparatus.

(iii) Rockets or shells, throwing red stars fired one at a time at short intervals.

(iv) A signal made by radiotelegraphy or by any other signalling method consisting of the group . . . — — — . . . in the Morse Code.

(v) A signal sent by radiotelephony consisting of the spoken word "Mayday".

(vi) The International Code Signal of distress indicated by N.C.

(vii) A signal consisting of a square flag having above or below it a ball or anything resembling a ball.

(viii) Flames on the vessel (as from a burning tar barrel, oil barrel, &c.).

(ix) A rocket parachute flare or a hand flare showing a red light.

(x) A smoke signal giving off a volume of orange-coloured smoke.

(xi) Slowly and repeatedly raising and lowering arms outstretched to each side.

NOTE.—Vessels in distress may use the radiotelegraph alarm signal or the radiotelephone alarm signal to secure attention to distress calls and messages. The radiotelegraph alarm signal, which is designed to actuate the radiotelegraph auto alarms of vessels so fitted, consists of a series of twelve dashes, sent in 1 minute, the duration of each dash being 4 seconds, and the duration of the interval between 2 consecutive dashes being 1 second. The radiotelephone alarm signal consists of 2 tones transmitted alternately over periods of from 30 seconds to 1 minute.

(b) The use of any of the foregoing signals, except for the purpose of indicating that a vessel or seaplane is in distress, and the use of any signals which may be confused with any of the above signals, is prohibited.

ANNEX TO THE RULES

RECOMMENDATIONS ON THE USE OF RADAR INFORMATION AS AN AID TO AVOIDING COLLISIONS AT SEA

33 U.S.C. 1094

(1) Assumptions made on scanty information may be dangerous and should be avoided.

(2) A vessel navigating with the aid of radar in restricted visibility must, in compliance with Rule 16(a), go at a moderate speed. Information obtained from the use of radar is one of the circumstances to be taken into account when determining moderate speed. In this regard it must be recognised that small vessels, small icebergs and similar floating objects may not be detected by radar. Radar indications of one or more vessels in the vicinity may mean that "moderate speed" should be slower than a mariner without radar might consider moderate in the circumstances.

(3) When navigating in restricted visibility the radar range and bearing alone do not constitute ascertainment of the position of the other vessel under Rule 16(b) sufficiently to relieve a vessel of the duty to stop her engines and navigate with caution when a fog signal is heard forward of the beam.

(4) When action has been taken under Rule 16(c) to avoid a close quarters situation, it is essential to make sure that such action is having the desired effect. Alterations of course or speed or both are matters as to which the mariner must be guided by the circumstances of the case.

(5) Alteration of course alone may be the most effective action to avoid close quarters provided that—

(a) There is sufficient sea room.

(b) It is made in good time.

(c) It is substantial. A succession of small alterations of course should be avoided.

(d) It does not result in a close quarters situation with other vessels.

(6) The direction of an alteration of course is a matter in which the mariner must be guided by the circumstances of the case. An alteration to starboard, particularly when vessels are approaching apparently on opposite or nearly opposite courses, is generally preferable to an alteration to port.

(7) An alteration of speed, either alone or in conjunction with an alteration of course, should be substantial. A number of small alterations of speed should be avoided.

(8) If a close quarters situation is imminent, the most prudent action may be to take all way off the vessel. (Public Law 88-131, § 4, Sept. 24, 1963, 77 Stat. 195-219.)

SUBCHAPTER 1E.—GENERAL ENFORCEMENT OF LAWS, RULES, AND REGULATIONS**Registry or enrollment denied to vessels not complying with law****46 U.S.C. 496 (R.S. 4498)**

A register, enrollment, or license shall not be granted, or other papers be issued by any collector or other chief officer of customs to any vessel subject by law to inspection under title 52 of the Revised Statutes until all the provisions of such title applicable to such vessel have been fully complied with and until the copy of the certificate of inspection required by such title for such vessel has been filed with said collector or other chief officer of customs: *Provided*, That the license granted to any vessel, if presented to any collector of customs at any time within thirty calendar days prior to the date of expiration shown thereon, may be renewed by the endorsement by the collector of customs for a period of one year from the date of expiration shown on the license, if there be on file in the office of the collector at that time a copy of the certificate of inspection required by title 52 of the Revised Statutes, which is in force on the date renewal is made.

Duties of customs officers**46 U.S.C. 494 (R.S. 4496)**

All collectors, or other chief officers of the customs and all inspectors within the several districts, shall enforce the provisions of title 52 of the Revised Statutes against all steamers arriving and departing.

Penalty for omission of duty by customs officers**46 U.S.C. 495 (R.S. 4497)**

Every collector, or other chief officer of the customs, or inspector, who negligently, or intentionally omits any duty under the preceding section, shall be liable to removal from office, and to a penalty of \$100 for each offense, to be sued for in an action of debt.

Law Enforcement**14 U.S.C. 89**

(a) The Coast Guard may make inquiries, examinations, inspections, searches, seizures, and arrests upon the high seas and waters over which the United States has jurisdiction, for the prevention, detection, and suppression of violations of laws of the United States. For such purposes, commissioned, warrant, and petty officers may at any time go on board of any vessel subject to the jurisdiction, or to the operation of any law, of the United States, address inquiries to those on board, examine the ship's documents and papers, and examine, inspect, and search the vessel and use all necessary force to compel compliance. When from such inquiries, examination, inspection, or search it appears that a breach of the laws of the United States rendering a person liable to arrest is being, or has been committed, by any person, such person shall be arrested or, if escaping to shore, shall be

immediately pursued and arrested on shore, or other lawful and appropriate action shall be taken; or, if it shall appear that a breach of the laws of the United States has been committed so as to render such vessel, or the merchandise, or any part thereof, on board of, or brought into the United States by, such vessel, liable to forfeiture, or so as to render such vessel liable to a fine or penalty and if necessary to secure such fine or penalty, such vessel or such merchandise, or both, shall be seized.

(b) The officers of the Coast Guard insofar as they are engaged, pursuant to the authority contained in this section, in enforcing any law of the United States shall:

(1) be deemed to be acting as agents of the particular executive department or independent establishment charged with the administration of the particular law; and

(2) be subject to all the rules and regulations promulgated by such department or independent establishment with respect to the enforcement of that law.

(c) The Provisions of this section are in addition to any powers conferred by law upon such officers, and not in limitation of any powers conferred by law upon such officers, or any other officers of the United States. (Aug. 4, 1949, ch. 393, 63 Stat. 502; Aug. 3, 1950, ch. 536, § 1, 64 Stat. 406.)

Safety of naval vessels

14 U.S.C. 91

The captain of the port, Coast Guard district commander, or other officer of the Coast Guard designated by the Commandant thereof, or the Governor of the Panama Canal in the case of the territory and waters of the Canal Zone, shall so control the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, as to insure the safety or security of such United States naval vessels as may be present in his jurisdiction. In territorial waters of the United States where immediate action is required, or where representatives of the Coast Guard are not present, or not present in sufficient force to exercise effective control of shipping as provided herein, the senior naval officer present in command of any naval force may control the anchorage or movement of any vessel, foreign or domestic, to the extent deemed necessary to insure the safety and security of his command. (Aug. 4, 1949, ch. 393, 63 Stat. 503.)

Inspection by Coast Guard

46 U.S.C. 527e(c)

Commissioned, warrant, and petty officers of the Coast Guard may board any vessel required to be numbered under this subchapter at any time such vessel is found upon the navigable waters of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the District of Columbia, or on the high seas, address inquiries to those on board, require appropriate proof of identification therefrom, examine the certificate of number issued under this subchapter, or in the absence of such certificate require appropriate proof of identification of the owner of the vessel, and, in addition, examine such

vessel for compliance with this subchapter,¹ subchapter II of this chapter, and the applicable rules of the road. (As amended Public Law 87-171, § 1(2), Aug. 30, 1961, 75 Stat. 408.)

Boarding vessels

19 U.S.C. 1581

(a) Any officer of the customs may at any time go on board of any vessel or vehicle at any place in the United States or within the customs waters or, as he may be authorized, within a customs-enforcement area established under sections 1701 and 1703-1711 of this title, or at any other authorized place, without as well as within his district, and examine the manifest and other documents and papers and examine, inspect, and search the vessel or vehicle and every part thereof and any person, trunk, package, or cargo on board, and to this end may hail and stop such vessel or vehicle, and use all necessary force to compel compliance.

(b) Officers of the Department of the Treasury and other persons authorized by such department may go on board of any vessel at any place in the United States or within the customs waters and hail, stop, and board such vessel in the enforcement of the navigation laws and arrest or, in case of escape or attempted escape, pursue and arrest any person engaged in the breach or violation of the navigation laws.

(c) Any master of a vessel being examined as herein provided, who presents any forged, altered, or false document or paper to the examining officer, knowing the same to be forged, altered, or false and without revealing the fact shall, in addition to any forfeiture to which in consequence the vessel may be subject, be liable to a fine of not more than \$5,000 nor less than \$500.

(d) Any vessel or vehicle which, at any authorized place, is directed to come to a stop by any officer of the customs, or is directed to come to a stop by signal made by any vessel employed in the service of the customs and displaying proper insignia, shall come to a stop, and upon failure to comply a vessel or vehicle so directed to come to a stop shall become subject to pursuit and the master, owner, operator, or person in charge thereof shall be liable to a penalty of not more than \$5,000 nor less than \$1,000.

(e) If upon the examination of any vessel or vehicle it shall appear that a breach of the laws of the United States is being or has been committed so as to render such vessel or vehicle, or the merchandise, or any part thereof, on board of, or brought into the United States by such vessel or vehicle, liable to forfeiture or to secure any fine or penalty, the same shall be seized and any person who has engaged in such breach shall be arrested.

(f) It shall be the duty of the several officers of the customs to seize and secure any vessel, vehicle, or merchandise which shall become liable to seizure, and to arrest any person who shall become liable to arrest, by virtue of any law respecting the revenue, as well without as within their respective districts, and to use all necessary force to seize or arrest the same.

¹ In the original act, these references were to the Federal Boating Act of 1958, the Motorboat Act of 1940, as amended, and the applicable rules of the road.

(g) Any vessel, within or without the customs waters, from which any merchandise is being, or has been, unlawfully introduced into the United States by means of any boat belonging to, or owned, controlled, or managed in common with, said vessel, shall be deemed to be employed within the United States and, as such, subject to the provisions of this section.

(h) The provisions of this section shall not be construed to authorize or require any officer of the United States to enforce any law of the United States upon the high seas upon a foreign vessel in contravention of any treaty with a foreign government enabling or permitting the authorities of the United States to board, examine, search, seize, or otherwise to enforce upon said vessel upon the high seas the laws of the United States except as such authorities are or may otherwise be enabled or permitted under special arrangement with such foreign government. (June 17, 1930, ch. 497, title IV, § 581, 46 Stat. 747; Aug. 5, 1935, ch. 438, title II, § 203, 49 Stat. 521; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097; Sept. 1, 1954, ch. 1213, title V, § 504, 68 Stat. 1141.)

Penalties under laws relating to vessels; informers' rights; manner of ascertaining facts

46 U.S.C. 7 (R.S. 5294)

The Commandant of the Coast Guard or the Commissioner of Customs, as the case may be, may, upon application therefor, remit or mitigate any fine, penalty, or forfeiture provided for in laws relating to vessels or discontinue any prosecution to recover penalties or relating to forfeitures denounced in such laws, excepting the penalty of imprisonment or of removal from office, upon such terms as he, in his discretion, shall think proper; and all rights granted to informers by such laws shall be held subject to the Commandant's or Commissioner's powers of remission, except in cases where the claims of any informer to the share of any penalty shall have been determined by a court of competent jurisdiction prior to the application for the remission of the penalty or forfeiture; and the Commandant or Commissioner shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as he may deem proper.

Refunding of penalties under laws relating to vessels or seamen

46 U.S.C. 8

Whenever any fine, penalty, forfeiture, exaction, or charge arising under the laws relating to vessels or seamen has been paid to any collector of customs, or Coast Guard official, or consular officer, and application has been made within one year from such payment for the refunding or remission of the same, the Commandant of the Coast Guard or the Commissioner of Customs, as the case may be, if on investigation he finds that such fine, penalty, forfeiture, exaction, or charge was illegally, improperly, or excessively imposed, shall have the power, either before or after the same has been covered into the Treasury, to refund so much of such fine, penalty, forfeiture, exac-

tion, or charge as he may think proper, from any moneys in the Treasury not otherwise appropriated.

Stopping vessels; immunity of Coast Guard Officer

14 U.S.C. 637

(a) Whenever any vessel liable to seizure or examination does not bring-to, on being ordered to do so or on being chased by any Coast Guard vessel or aircraft which has displayed the ensign, pennant, or other identifying insignia prescribed for vessels or aircraft of the Coast Guard, the person in command or in charge of such Coast Guard vessel or such Coast Guard aircraft may, after a gun has been fired by the Coast Guard vessel or aircraft as a warning signal, fire at or into such vessel which does not bring-to.

(b) The person in command of such Coast Guard vessel or such Coast Guard aircraft and all persons acting by or under his direction shall be indemnified from any penalties or actions for damages for so doing. If any person is killed or wounded by such firing, and the person in command of the Coast Guard vessel or aircraft or any person acting pursuant to his orders is prosecuted or arrested therefor, he shall be forthwith admitted to bail. (Aug. 4, 1949, ch. 393, 63 Stat. 546.)

Coast Guard ensigns and pennants

14 U.S.C. 638

(a) Coast Guard vessels and aircraft shall be distinguished from other vessels and aircraft by an ensign, pennant, or other identifying insignia of such design as prescribed by the Secretary. Such ensign, pennant, or other identifying insignia shall be displayed in accordance with regulations prescribed by the Secretary.

(b) No vessel or aircraft without authority shall carry, hoist, or display any ensign, pennant, or other identifying insignia prescribed for, or intended to resemble, any ensign, pennant, or other identifying insignia prescribed for Coast Guard vessels or aircraft. Every person violating this subsection shall be fined not more than \$5,000, or imprisoned for not more than two years, or both. (Aug. 4, 1949, ch. 393, 63 Stat. 546.)

Penalty for unauthorized use of words "Coast Guard"

14 U.S.C. 639

No individual, association, partnership, or corporation shall, without authority of the Commandant, use the combination of letters "USCG" or "USCGR", the words "Coast Guard", "United States Coast Guard," "Coast Guard Reserve," "United States Coast Guard Reserve," "Coast Guard Auxiliary," "United States Coast Guard Auxiliary," "Lighthouse Service," "Life Saving Service," or any combination or variation of such letters or words alone or with other letters or words, as the name under which he or it shall do business, for the purpose of trade, or by way of advertisement to induce the effect of leading the public to believe that any such individual, association, partnership, or corporation has any connection with the Coast Guard.

No individual, association, partnership, or corporation shall falsely advertise, or otherwise represent falsely by any device whatsoever, that any project or business in which he or it is engaged, or product which he or it manufactures, deals in, or sells, has been in any way endorsed, authorized, or approved by the Coast Guard. Every person violating this section shall be fined not more than \$1,000, or imprisoned not more than one year, or both. (Aug. 4, 1949, ch. 393, 63 Stat. 546; Aug. 3, 1950, ch. 536, § 30, 64 Stat. 408.)

SUBCHAPTER 1F.—ARTIFICIAL ISLANDS AND FIXED STRUCTURES

Definitions (Interior Department)

43 U.S.C. 1331(b)

The term "Secretary" means the Secretary of the Interior.

Laws and regulations governing lands

43 U.S.C. 1333 (a) and (e)

(a) *Constitution and United States laws; laws of adjacent States; publication of projected States lines; restriction on State taxation and jurisdiction.*

(1) The Constitution and laws and civil and political jurisdiction of the United States are extended to the subsoil and seabed of the outer Continental Shelf and to all artificial islands and fixed structures which may be erected thereon for the purpose of exploring for, developing, removing, and transporting resources therefrom, to the same extent as if the outer Continental Shelf were an area of exclusive Federal jurisdiction located within a State: *Provided, however,* That mineral leases on the outer Continental Shelf shall be maintained or issued only under the provisions of this subchapter.

(2) To the extent that they are applicable and not inconsistent with this subchapter or with other Federal laws and regulations of the Secretary ¹ now in effect or hereafter adopted, the civil and criminal laws of each adjacent State as of the effective date of this subchapter are declared to be the law of the United States for that portion of the subsoil and seabed of the outer Continental Shelf, and artificial islands and fixed structures erected thereon, which would be within the area of the State if its boundaries were extended seaward to the outer margin of the outer Continental Shelf, and the President shall determine and publish in the Federal Register such projected lines extending seaward and defining each such area. All of such applicable laws shall be administered and enforced by the appropriate officers and courts of the United States. State taxation laws shall not apply to the outer Continental Shelf.

(3) The provisions of this section for the adoption of State law as the law of the United States shall never be interpreted as a basis for claiming any interest in or jurisdiction on behalf of any State for any purpose over the seabed and subsoil of the outer Continental Shelf, or the property and natural resources thereof or the revenues therefrom.

* * * * *

(e) *Coast Guard regulations; marking of islands and structures; offenses and penalties.*

(1) The head of the Department in which the Coast Guard is operating shall have authority to promulgate and enforce such reasonable regulations with respect to lights and other warning devices, safety equipment, and other matters relating to the promotion of safety of life and property on the islands and structures referred

¹ Secretary of the Interior.

to in subsection (a) of this section or on the waters adjacent thereto, as he may deem necessary.

(2) The head of the Department in which the Coast Guard is operating may mark for the protection of navigation any such island or structure whenever the owner has failed suitably to mark the same in accordance with regulations issued hereunder, and the owner shall pay the cost thereof. Any person, firm, company, or corporation who shall fail or refuse to obey any of the lawful rules and regulations issued hereunder shall be guilty of a misdemeanor and shall be fined not more than \$100 for each offense. Each day during which such violation shall continue shall be considered a new offense. (Public Law 212, 83d Cong.; 67 Stat. 462.)

Delegation of Functions

The following Treasury Department Order 167-15 (20 F.R. 840) was issued by the Acting Secretary of the Treasury under date of Jan. 3, 1955:

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 and by 14 U.S.C. 631, there are transferred to the Commandant, U.S. Coast Guard, the functions of the Secretary of the Treasury under section 4(e) of the Outer Continental Shelf Lands Act (Public Law 212, 83d Congress; 67 Stat. 462; 43 U.S.C. 1333(e)).

The Commandant may make provision for the performance by subordinates in the Coast Guard of any of these functions.

SUBCHAPTER 1G.—WAIVERS OR SUSPENSIONS OF LAWS, RULES AND REGULATIONS**Waiver of compliance with vessel inspection laws****46 U.S.C. note preceding section 1**

Waiver of Compliance With Navigation and Inspection Laws; Termination Date Act Dec. 27, 1950, ch. 1155, §§ 1, 2, 64 Stat. 1120, provided that:

"The head of each department or agency responsible for the administration of the navigation and vessel inspection laws is directed to waive compliance with such laws upon the request of the Secretary of Defense to the extent deemed necessary in the interest of national defense by the Secretary of Defense. The head of such department or agency is authorized to waive compliance with such laws to such extent and in such manner and upon such terms as he may prescribe, either upon his own initiative or upon the written recommendation of the head of any other Government agency, whenever he deems that such action is necessary in the interest of national defense.

"SECTION 2. The authority granted by this Act shall terminate at such time as the Congress by concurrent resolution or the President may designate."

Delegation of Functions

The following Treasury Department Order CGFR 51-1 (16 F.R. 731) was issued by the Acting Secretary of the Treasury under date of January 23, 1951:

By virtue of the authority vested in me by the provisions of section 2, Reorganization Plan No. 26, 1950, 15 F.R. 4935, I hereby confer and impose upon the Commandant, United States Coast Guard, with respect to the navigation and vessel inspection laws administered by the Coast Guard, and the Commissioner of Customs, with respect to the navigation laws administered by the Bureau of Customs, all the rights, privileges, powers, or duties to waive compliance with the provisions of the navigation and vessel inspection laws in the interest of national defense, which were vested in me by virtue of the act of December 27, 1950. (Public Law 891, 81st Cong., 2d Sess.)

Suspension of provisions as to survey, inspection, and measurement**46 U.S.C. 82**

The President of the United States is authorized, whenever in his discretion the needs of foreign commerce may require, to suspend by order, so far and for such length of time as he may deem desirable, the provisions of the law requiring survey, inspection, and measurement by officers of the United States of foreign-built vessels admitted to American registry under section 11 of this title.

Suspension of provisions as to watch officers**46 U.S.C. 236**

The President of the United States is authorized, whenever in his discretion the needs of foreign commerce may require, to suspend by order, so far and for such length of time as he may deem desirable,

the provisions of law prescribing that all the watch officers of vessels of the United States registered for foreign trade shall be citizens of the United States.

Suspension of section (Manning of subsidized vessels) during emergency

46 U.S.C. 1132(h)

During a national emergency as proclaimed by the President he may, in his discretion, suspend any or all of the provisions of this section.

SUBCHAPTER 1H.—EXCERPTS OF CERTAIN CRIMINAL LAWS

Misuse of Federal certificate, license, or document**18 U.S.C. 2197**

Whoever, not being lawfully entitled thereto, uses, exhibits, or attempts to use or exhibit, or with intent unlawfully to use the same, receives or possesses any certificate, license, or document issued to vessels, or officers or seamen by any officer or employee of the United States authorized by law to issue the same; or

Whoever, without authority, alters or attempts to alter any such certificate, license, or document by addition, interpolation, deletion, or erasure; or

Whoever forges, counterfeits, or steals, or attempts to forge, counterfeit, or steal, any such certificate, license, or document; or unlawfully possesses or knowingly uses any such altered, changed, forged, counterfeit, or stolen certificate, license, or document; or

Whoever, without authority, prints or manufactures any blank form of such certificate, license, or document, or

Whoever possesses without lawful excuse, and with intent unlawfully to use the same, any blank form of such certificate, license, or document; or

Whoever, in any manner, transfers, or negotiates such transfer of, any blank form of such certificate, license, or document, or any such altered, forged, counterfeit, or stolen certificate, license, or document, or any such certificate, license or document to which the party transferring or receiving the same is not lawfully entitled—

Shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

Stowaways on vessels or aircraft**18 U.S.C. 2199**

Whoever, without the consent of the owner, charterer, master, or person in command of any vessel, or aircraft, with intent to obtain transportation, boards, enters or secretes himself aboard such vessel or aircraft and is thereon at the time of departure of said vessel or aircraft from a port, harbor, wharf, airport or other place within the jurisdiction of the United States; or

Whoever, with like intent, having boarded, entered or secreted himself aboard a vessel or aircraft at any place within or without the jurisdiction of the United States, remains aboard after the vessel or aircraft has left such place and is thereon at any place within the jurisdiction of the United States; or

Whoever, with intent to obtain a ride or transportation, boards or enters any aircraft owned or operated by the United States without the consent of the person in command or other duly authorized officer or agent—

Shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

The word "aircraft" as used in this section includes any contrivance for navigation or flight in the air.

Cruelty to seamen**18 U.S.C. 2191**

Whoever, being the master or officer of a vessel of the United States, on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, flogs, beats, wounds, or without justifiable cause, imprisons any of the crew of such vessel, or withholds from them suitable food and nourishment, or inflicts upon them any corporal or other cruel and unusual punishment, shall be fined not more than \$1,000 or imprisoned not more than five years, or both.

Surrendering officer inflicting corporal punishment; liability of master**46 U.S.C. 712 (R.S. 4611)**

Whenever any officer of a vessel of the United States, other than the master thereof, violates section 2191 of title 18, the master shall, if he has actual knowledge of the offense or if complaint be made within three days after reaching port, surrender such officer to the proper authorities. Any failure on the part of such master to use due diligence to comply herewith, which failure shall result in the escape of such officer, shall render the master or vessel or the owner of the vessel liable in damages for such flogging or corporal punishment to the person illegally punished by such officer.

Explosives or dangerous weapons aboard vessels**18 U.S.C. 2277**

(a) Whoever brings, carries, or possesses any dangerous weapon, instrument, or device, or any dynamite, nitroglycerin, or other explosive article or compound on board of any vessel registered, enrolled, or licensed under the laws of the United States, or any vessel purchased, requisitioned, chartered, or taken over by the United States pursuant to the provisions of Act June 6, 1941, ch. 174, 55 Stat. 242, as amended, without previously obtaining the permission of the owner or the master of such vessel; or

Whoever brings, carries, or possesses any such weapon or explosive on board of any vessel in the possession and under the control of the United States or which has been seized and forfeited by the United States or upon which a guard has been placed by the United States pursuant to the provisions of section 1 of the Act of June 15, 1917, as amended (50 U.S.C. 191), without previously obtaining the permission of the captain of the port in which such vessel is located, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(b) This section shall not apply to the personnel of the Armed Forces of the United States or to officers or employees of the United States or of a State or of a political subdivision thereof, while acting in the performance of their duties, who are authorized by law or by rules or regulations to own or possess any such weapon or explosive.

SUBCHAPTER 1J.—LONGSHOREMEN'S AND HARBORWORKERS' COMPENSATION ACT

Definitions (Labor Department)

33 U.S.C. 902

When used in this act—

* * * * * *

(6) The term "Secretary" means the Secretary of Labor.

Safety rules and regulations—Safe place of employment; installation of safety devices and safeguards

33 U.S.C. 941

(a) Every employer shall furnish and maintain employment and places of employment which shall be reasonably safe for his employees in all employments covered by this chapter and shall install, furnish, maintain, and use such devices and safeguards with particular reference to equipment used by and working conditions established by such employers as the Secretary¹ may determine by regulation or order to be reasonably necessary to protect the life, health, and safety of such employees, and to render safe such employment and places of employment, and to prevent injury to his employees. However, the Secretary¹ may not make determinations by regulation or order under this section as to matters within the scope of title 52 of the Revised Statutes and Acts supplementary or amendatory thereto, the Act of June 15, 1917 (ch. 30, 40 Stat. 220), as amended, or section 1333 (e) of title 43.

Studies and investigations by Secretary¹

(b) The Secretary,¹ in enforcing and administering the provisions of this section, is authorized in addition to such other powers and duties as are conferred upon him—

(1) to make studies and investigations with respect to safety provisions and the causes and prevention of injuries in employments covered by this chapter and from time to time make to Congress such recommendations as he may deem proper as to the best means of preventing such injuries, and in making such studies and investigations to cooperate with any agency of the United States or with any State agency engaged in similar work;

(2) to utilize the services of any agency of the United States or any State agency engaged in similar work (with the consent of such agency) in connection with the administration of this section;

(3) to promote uniformity in safety standards in employments covered by this chapter through cooperative action with any agency of the United States or with any State agency engaged in similar work;

(4) to provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe working conditions in employments covered by this chapter, and to consult with and advise employers as to the best means of preventing injuries;

¹ Secretary of Labor.

(5) to hold such hearings, issue such orders, and make such decisions, based upon findings of fact, as are deemed to be necessary to enforce the provisions of this section, and for such purposes the Secretary and the district courts shall have the authority and jurisdiction provided by section 39 of title 41, and the Secretary shall be represented in any court proceedings as provided in section 921a of this title.

Inspection of places and practices of employment

(c) The Secretary¹ or his authorized representative may inspect such places of employment, question such employees, and investigate such conditions, practices, or matters in connection with employment subject to this chapter, as he may deem appropriate to determine whether any person has violated any provision of this section, or any rule or regulation issued thereunder, or which may aid in the enforcement of the provisions of this section. No employer or other person shall refuse to admit the Secretary¹ or his authorized representatives to any such place or shall refuse to permit any such inspection.

Requests for advice; variations from safety rules and regulations

(d) Any employer may request the advice of the Secretary¹ or his authorized representative, in complying with the requirements of any rule or regulation adopted to carry out the provisions of this section. In case of practical difficulties or unnecessary hardships, the Secretary¹ in his discretion may grant variations from any such rule or regulation, or particular provisions thereof, and permit the use of other or different devices if he finds that the purpose of the rule or regulation will be observed by the variation and the safety of employees will be equally secured thereby. Any person affected by such rule or regulation, or his agent, may request the Secretary¹ to grant such variation, stating in writing the grounds on which his request is based. Any authorization by the Secretary¹ of a variation shall be in writing, shall describe the conditions under which the variation shall be permitted, and shall be published as provided in section 1002 of title 5. A properly indexed record of all variations shall be kept in the office of the Secretary¹ and open to public inspection.

Jurisdiction to restrain violations

(e) The United States district courts, together with the District Court for the Territory of Alaska, shall have jurisdiction for cause shown, in any action brought by the Secretary¹ represented as provided in section 921a of this title, to restrain violations of this section or of any rule, regulation, or order of the Secretary adopted to carry out the provisions of this section.

Violations and penalties

(f) Any employer who, willfully, violates or fails or refuses to comply with the provisions of subsection (a) of this section, or with any lawful rule, regulation, or order adopted to carry out the provisions of this section, and any employer or other person who willfully

¹ Secretary of Labor.

interferes with, hinders, or delays the Secretary ¹ or his authorized representative in carrying out his duties under subsection (c) of this section by refusing to admit the Secretary ¹ or his authorized representative to any place, or to permit the inspection or examination of any employment or place of employment, or who willfully hinders or delays the Secretary ¹ or his authorized representative in the performance of his duties in the enforcement of this section, shall be guilty of an offense, and, upon conviction thereof, shall be punished for each offense by a fine of not less than \$100 nor more than \$3,000; and in any case where such employer is a corporation, the officer who willfully permits any such violation to occur shall be guilty of an offense, and, upon conviction thereof, shall be punished also for each offense by a fine of not less than \$100 nor more than \$3,000. The liability hereunder shall not affect any other liability of the employer under this chapter.

Inapplicability to certain employments

(g) (1) The provisions of this section shall not apply in the case of any employment relating to the operations for the exploration, production, or transportation by pipeline of mineral resources upon the navigable waters of the United States, nor under the authority of sections 1331-1345 of title 43, nor in the case of any employment in connection with lands (except filled in, made, or reclaimed lands) beneath the navigable waters as defined in sections 1301-1303 and 1311-1315 of title 43 nor in the case of any employment for which compensation in case of disability or death is provided for employees under the authority of the Act of May 17, 1928 (ch. 612, 45 Stat. 600), as amended, nor under the authority of sections 1651-1654 of title 42.

(2) The provisions of this section, with the exception of paragraph (1) of subsection (b) of this section, shall not be applied under the authority of the Act of September 7, 1916 (ch. 458, 39 Stat. 742), as amended. (As amended Aug. 23, 1958, Public Law 85-742, § 1, 72 Stat. 835.)

¹ Secretary of Labor.

Chapter 2.—REGULATION OF MOTORBOATS AND CERTAIN OTHER VESSELS

SUBCHAPTER 2A.—MOTORBOAT ACT OF 1940

“Motorboat” defined; inspection

46 U.S.C. 526

The word “motorboat” where used in this Act shall include every vessel propelled by machinery and not more than sixty-five feet in length except tugboats and towboats propelled by steam. The length shall be measured from end to end over the deck excluding sheer: *Provided*, That the engine, boiler, or other operating machinery shall be subject to inspection by the Coast Guard, and to its approval of the design thereof, on all said motorboats, which are more than forty feet in length, and which are propelled by machinery driven by steam.

Classification of motorboats

46 U.S.C. 526a

Motorboats subject to the provisions of this Act shall be divided into four classes as follows:

Class A. Less than sixteen feet in length.

Class 1. Sixteen feet or over and less than twenty-six feet in length.

Class 2. Twenty-six feet or over and less than forty feet in length.

Class 3. Forty feet or over and not more than sixty-five feet in length.

Lights

46 U.S.C. 526b

Every motorboat in all weathers from sunset to sunrise shall carry and exhibit the following lights when under way, and during such time no other lights which may be mistaken for those prescribed shall be exhibited:

(a) Every motorboat of classes A and 1 shall carry the following lights:

First. A bright white light aft to show all around the horizon.

Second. A combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

(b) Every motorboat of classes 2 and 3 shall carry the following lights:

First. A bright white light in the fore part of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel; namely, from right ahead to two points abaft the beam on either side.

Second. A bright white light aft to show all around the horizon and higher than the white light forward.

Third. On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The said side lights shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.

(c) Motorboats of classes A and 1 of section 526a of this title when propelled by sail alone shall carry the combined lantern, but not the white light aft, prescribed by this section. Motorboats of classes 2 and 3 of section 526a of this title when so propelled, shall carry the colored side lights, suitably screened, but not the white lights, prescribed by this section. Motorboats of all classes, when so propelled, shall carry, ready at hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision.

(d) Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least one mile. The word "visible" in this Act, when applied to lights, shall mean visible on a dark night with clear atmosphere.

(e) When propelled by sail and machinery any motorboat shall carry the lights required by this section for a motorboat propelled by machinery only.

(f) Any motorboat may carry and exhibit the lights required by the Regulations for Preventing Collisions at Sea, 1948, Act of October 11, 1951 (65 Stat. 406-420), as amended, in lieu of the lights required by this section. (Apr. 25, 1940, c. 155, § 3, 54 Stat. 164; June 4, 1956, c. 353, §§ 1, 2, 70 Stat. 228.)

Whistles or other sound-producing appliances

46 U.S.C. 526c

Every motorboat of class 1, 2, or 3, shall be provided with an efficient whistle or other sound-producing mechanical appliance.

Bells

46 U.S.C. 526d

Every motorboat of class 2 or 3 shall be provided with an efficient bell.

Life preservers, etc.

46 U.S.C. 526e

Every motorboat subject to any of the provisions of this Act and also all vessels propelled by machinery other than by steam more than sixty-five feet in length shall carry at least one life preserver.

or life belt, or ring buoy, or other device of the sort prescribed by the regulations of the Commandant of the Coast Guard, for each person on board, so placed as to be readily accessible: *Provided*, That every such motorboat and every such vessel propelled by machinery other than by steam more than sixty-five feet in length carrying passengers for hire shall carry, so placed as to be readily accessible, at least one life preserver of the sort prescribed by the regulations of the Commandant of the Coast Guard, for each person on board.

Motorboats and small craft carrying passengers for hire; operators' licenses

46 U.S.C. 526f

No such motorboat, and no other vessel of fifteen gross tons or less propelled by machinery other than steam, while carrying passengers for hire, shall be operated or navigated except in charge of a person duly licensed for such service by the Secretary of the department in which the Coast Guard is operating. Whenever any person applies to be licensed as operator of any motorboat, or of any other vessel of fifteen gross tons or less propelled by machinery, carrying passengers for hire, the Secretary shall make diligent inquiry as to his character, and shall carefully examine the applicant orally as well as the proofs which he presents in support of his claim, and if the Secretary is satisfied that his capacity, experience, habits of living, and character are such to warrant the belief that he can safely be entrusted with the duties and responsibilities of the station for which he makes application, the Secretary shall grant him a license authorizing him to discharge such duties on any such motorboat, or on any other vessel of fifteen gross tons or less propelled by machinery, carrying passengers for hire, for the term of five years. Such license shall be subject to suspension or revocation on the same grounds and in the same manner with like procedure as is provided in the case of suspension or revocation of licenses of officers under the provisions of section 239 of this title: *Provided*, That motorboats and other vessels of fifteen gross tons or less propelled by machinery shall not be required to carry licensed officers except as required in this subchapter: *And provided further*, That licenses herein prescribed shall not be required of motorboats or of any other vessels of fifteen gross tons or less propelled by machinery engaged in fishing contests previously arranged and announced.

Fire extinguishers

46 U.S.C. 526g

Every motorboat and also every vessel propelled by machinery other than by steam more than sixty-five feet in length shall be provided with such number, size, and type of fire extinguishers, capable of promptly and effectually extinguishing burning gasoline, as may be prescribed by the regulations of the Commandant of the Coast Guard, which fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible.

Exemption of racing outboard motorboats**46 U.S.C. 526h**

The provisions of sections 4, 5, and 8 of this Act shall not apply to motorboats propelled by outboard motors while competing in any race previously arranged and announced or, if such boats be designed and intended solely for racing while engaged in such navigation as is incidental to the tuning up of the boats and engines for the race.

Carburetor flame arrestors and backfire traps**46 U.S.C. 526i**

Every motorboat and also every vessel propelled by machinery other than by steam more than sixty-five feet in length shall have the carburetor or carburetors of every engine therein (except outboard motors) using gasoline as fuel, equipped with such efficient flame arrestor, backfire trap, or other similar device as may be prescribed by the regulations of the Commandant of the Coast Guard: *Provided*, That this section shall apply only to such motorboats or vessels, the construction of which or the replacement of the engine or engines of which is commenced subsequent to April 25, 1940.

Ventilation of engine and fuel compartment bilges on open vessels using volatile liquids as fuel**46 U.S.C. 526j**

Every such motorboat and every such vessel, except open boats, using as fuel any liquid of a volatile nature, shall be provided with such means as may be prescribed by regulations of the Commandant of the Coast Guard for properly and efficiently ventilating the bilges of the engine and fuel tank compartments so as to remove any explosive or inflammable gases: *Provided*, That this section shall apply only to such motorboats or vessels, the construction or decking over of which is commenced subsequent to April 25, 1940.

Carrying copies of pilot rules**46 U.S.C. 526k**

Motorboats shall not be required to carry on board copies of the pilot rules.

Reckless or negligent operation of vessels; prohibition; accident assistance, information and report**46 U.S.C. 526l**

(a) No person shall operate any motorboat or any vessel in a reckless or negligent manner so as to endanger the life, limb, or property of any person. To "operate" means to navigate or otherwise use a motorboat or a vessel.

(b) In the case of collision, accident, or other casualty involving a motorboat or other vessel subject to this subchapter, it shall be the duty of the operator, if and so far as he can do so without serious danger to his own vessel, or persons aboard, to render such assistance

as may be practicable and necessary to other persons affected by the collision, accident, or casualty in order to save them from danger caused by the collision, accident, or casualty. He shall also give his name, address, and identification of his vessel to any person injured and to the owner of any property damaged. The duties imposed by this subsection shall be in addition to any duties otherwise provided by law.

(c) In the case of collision, accident, or other casualty involving a motorboat or other vessel subject to this subchapter, the operator thereof, if the collision, accident, or other casualty results in death or injury to any person, or damage to property in excess of \$100, shall file with the Secretary of the department within which the Coast Guard is operating, unless such operator is required to file an accident report with the State under section 527a(c)(6) of this title, a full description of the collision, accident, or other casualty, including such information as the Secretary may by regulation require.

Reckless or negligent operation of vessels; prohibition; accident assistance, information and report; penalty

46 U.S.C. 526m

Any person who shall operate any motorboat or any vessel in a reckless or negligent manner so as to endanger the life, limb, or property of any person shall be deemed guilty of a misdemeanor and on conviction thereof by any court of competent jurisdiction shall be punished by a fine not exceeding \$2,000, or by imprisonment for a term of not exceeding one year, or by both such fine and imprisonment, at the discretion of the court.

Reckless or negligent operation of vessels; prohibition; accident assistance, information and report; arrest; procedure after arrest

46 U.S.C. 526n

Any officer of the United States authorized to enforce the navigation laws of the United States, shall have power and authority to swear out process and to arrest and take into custody, with or without process, any person who may commit any act or offense prohibited by section 5261 of this title, or who may violate any provision of said section: *Provided*, That no person shall be arrested without process for any offense not committed in the presence of some one of the aforesaid officials: *Provided further*, That whenever an arrest is made under the provisions of this Act, the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offense alleged against him, and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in cases of crimes against the United States.

Violations generally; penalties

46 U.S.C. 526o

If any motorboat or vessel subject to any of the provisions of this Act is operated or navigated in violation of this Act or any regula-

tion issued thereunder, the owner or operator, either one or both of them, shall, in addition to any other penalty prescribed by law, be liable to a penalty of \$100 : *Provided*, That in the case of motorboats or vessels subject to the provisions of this Act carrying passengers for hire, a penalty of \$200 shall be imposed on the owner or operator, either one or both of them, thereof for any violation of section 526e, 526f, or 526g of this title or of any regulations pertaining thereto. For any penalty incurred under this section the motorboat or vessel shall be held liable and may be proceeded against by way of libel in the district court of any district in which said motorboat or vessel may be found.

Regulations; remission or mitigation of fines

46 U.S.C. 526p

The Commandant of the Coast Guard shall establish all necessary regulations required to carry out in the most effective manner all of the provisions of this Act, and such regulations shall have the force of law. The Commandant of the Coast Guard or any officer of the Coast Guard authorized by the Commandant may, upon application therefor, remit or mitigate any fine, penalty, or forfeiture incurred under this Act or any regulation thereunder relating to motorboats or vessels, except the penalties provided for in section 526m of this title. The Commandant of the Coast Guard shall establish such regulations as may be necessary to secure the enforcement of the provisions of this Act by any officer of the United States authorized to enforce the navigation laws of the United States.

Application of other laws

46 U.S.C. 526q

The proviso contained in the last paragraph of section 223 of this title shall apply also with like force and effect to motorboats as defined in this Act.

Motorboats as defined in this Act are hereby exempted from the provisions of section 361 of this title.

Laws unaffected

46 U.S.C. 526r

Nothing in this Act shall be deemed to alter or amend section 367 or 391a of this title, or repeal Acts of Congress or treaties embodying or revising international rules for preventing collisions at sea.

Application of subchapter; "State" defined

46 U.S.C. 526u

(a) This subchapter shall apply to every motorboat or vessel on the navigable waters of the United States, Guam, the Virgin Islands, the Commonwealth of Puerto Rico, and the District of Columbia, and every motorboat or vessel owned in a State and using the high seas.

(b) As used in this subchapter—

The term "State" means a State of the United States, Guam, the Virgin Islands, the Commonwealth of Puerto Rico, and the District of Columbia.

SUBCHAPTER 2B.—FEDERAL BOATING ACT OF 1958

Definitions (Federal Boating Act)**46 U.S.C. 527**

As used in this subchapter—

(1) the term “undocumented vessel” means any vessel which is not required to have, and does not have, a valid marine document issued by the Bureau of Customs.

(2) The word “vessel” includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(3) The word “Secretary” means the Secretary of the Department in which the Coast Guard is operating.

(4) The word “owner” means the person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to possession.

(5) The term “State” means a State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and the District of Columbia.

Numbering of vessels**46 U.S.C. 527a**

(a) Every undocumented vessel propelled by machinery of more than 10 horsepower, whether or not such machinery is the principal source of propulsion, using the navigable water of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and the District of Columbia, and every such vessel owned in a State and using the high seas, shall be numbered in accordance with this subchapter, except—

(1) foreign vessels temporarily using the navigable waters of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and the District of Columbia;

(2) public vessels of the United States;

(3) State and municipal vessels;

(4) ships' lifeboats; and

(5) vessels designated by the Secretary under section 527(b) of this title.

(b) The owner of an undocumented vessel required to be numbered under subsection (a) of this section shall secure a number for such vessel in the State in which it is principally used, in accordance with the State numbering system approved by the Secretary in accordance with subsection (c) of this section, or if no such numbering system has been approved by the Secretary for the State where such vessel is principally used, shall secure a number for such vessel in accordance with subsection (d) of this section.

(c) The Secretary shall establish an overall numbering system for the numbering of vessels required to be numbered under subsection (a) of this section. He shall approve any State system for numbering vessels which is submitted to him which meets the standards set forth below:

(1) The system of numbering shall be in accordance with the overall system of numbering established by the Secretary.

(2) The certificate of number and the number awarded shall be valid for a period not exceeding three years, unless canceled or surrendered, and may be renewed for additional periods.

(3) The number awarded shall be required to be painted on, or attached to, each side of the bow of the vessel for which it was issued, and shall be of such size, color, and type, as may be prescribed by the Secretary. No other number shall be permitted to be carried on the bow of such vessel.

(4) The certificate of number shall be pocket size and shall be required to be at all times available for inspection on the vessel for which issued, whenever such vessel is in use.

(5) The owner shall be required to furnish to a designated State official, notice of the transfer of all or any part of his interest in any numbered vessel, and of the destruction or abandonment of such vessel, within a reasonable time thereof. The owner shall be required to notify a designated State official of any change in his address within a reasonable time of such change.

(6) The State shall require that reports be made to it of accidents involving vessels numbered by it under its numbering system, and shall compile and transmit to the Secretary such statistics on such accidents.

(7) The State shall recognize the validity of a number awarded to any vessel by another State under a numbering system approved by the Secretary under this subchapter, or awarded a number by the Secretary, for a period of at least ninety days.

(8) In the case of a State having its numbering system approved after April 1, 1960, such State shall accept and recognize any valid certificate of number awarded under subsection (d) of this section for so long as such certificate would otherwise be valid under such subsection (d), except that where such a certificate would remain valid for more than one year after the date when such State's numbering system was approved, the State may accept and recognize the validity of such certificate for a lesser period, but such period shall not end sooner than one year from the date of approval of such system.

(9) The State may exempt any vessel or class of vessels from the numbering provisions of its system if such vessel or class of vessels has been made exempt from the numbering provisions of subsection (d) of this section by the Secretary under section 527(b) of this title.

(10) The States may charge fees in connection with the award of certificates of number and renewals thereof.

(11) The States may require that the operator of a vessel required to be numbered hereunder shall hold a valid safety certificate to be issued under such terms and conditions as may be provided by State law.

(d) The owner of an undocumented vessel required to be numbered under subsection (a) of this section who uses his vessel principally in a State which does not have a numbering system approved by the Secretary under subsection (c) of this section, shall make application to the Secretary, and upon payment of the fee established under section 527c of this title, such owner shall be granted a certificate of number containing the number awarded such vessel by the Secretary.

(e) The certificate of number initially awarded to an owner under subsection (d) of this section shall be valid for three years from the

date of the owner's birthday next occurring after the date the certificate of number is issued, unless surrendered or canceled pursuant to regulations of the Secretary. If at the end of such period such ownership has remain [*sic*] unchanged, such owner shall, upon application and payment of the fee established under section 527c of this title, be granted a renewal of such certificate of number for an additional three-year period.

(f) The number awarded under subsection (c) or (d) of this section shall be painted on, or attached to, each side of the bow of the vessel for which it was issued, and shall be of such size, color, and type as may be prescribed by the Secretary. No other number shall be carried on the bow of such vessel.

(g) The certificate of number granted under subsection (c) or (d) of this section shall be pocket size and shall be required to be at all times available for inspection on the vessel for which issued whenever such vessel is in use, and shall constitute a document in lieu of a marine document that sets forth an official number issued by the Bureau of Customs.

(h) Whenever the Secretary determines that a State is not administering its approved system for numbering vessels in accordance with the standards set forth under subsection (c) of this section, he may withdraw such approval. The Secretary shall not withdraw his approval of a State system of numbering until he has given notice in writing to the State setting forth specifically wherein the State has failed to maintain such standards.

Federal numbering system; notice of transfer of interest; destruction or abandonment of vessel, change of address

46 U.S.C. 527b

The owner of any vessel numbered under section 527a(d) of this title shall furnish to the Secretary notice of the transfer of all or any part of his interest in any numbered vessel, within a reasonable time thereof. The owner shall notify the Secretary of any change in his address within a reasonable time of such change.

Federal numbering system; fees

46 U.S.C. 527c

The Secretary may prescribe reasonable fees or charges for the numbering of a vessel, or renewal thereof, under subsections (d) and (e) of section 527a of this title.

Regulations; Federal numbering system exemptions

46 U.S.C. 527d

(a) The Secretary shall make such rules and regulations as may be necessary to carry out the provisions of this subchapter: *Provided*, That such rules and regulations shall be submitted to the Speaker of the House and the President of the Senate when Congress is in session, and shall not become effective until sixty days thereafter.

(b) The Secretary may, from time to time, and for such periods as he may prescribe exempt any vessel or class of vessels from the numbering provisions of subsection (d) of section 527a of this title.

Violations generally; penalties**46 U.S.C. 527e**

(a) Whoever being the owner of a vessel required to be numbered under this subchapter, violates section 527a or 527b of this title, or regulations established by the Secretary under section 527d of this title, shall be liable to a penalty of \$50 for each violation. Whoever operates a vessel in violation of section 527a of this title, or regulations established by the Secretary under section 527d of this title, shall be liable to a penalty of \$50 for each violation.

(b) The Secretary may assess and collect any penalty incurred under this subchapter or any regulations prescribed pursuant to section 527d of this title. The Secretary may, in his discretion, remit or mitigate any penalty imposed under this section, or discontinue prosecution therefor on such terms as he may deem proper.

(c) Commissioned, warrant, and petty officers of the Coast Guard may board any vessel required to be numbered under this subchapter at any time such vessel is found upon the navigable waters of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and the District of Columbia, or on the high seas, address inquiries to those on board, require appropriate proof of identification therefrom, examine the certificate of number issued under this subchapter, or in the absence of such certificate require appropriate proof of identification of the owner of the vessel, and, in addition, examine such vessel for compliance with this subchapter,¹ subchapter II of this chapter, and the applicable rules of the road.

Declaration of policy**46 U.S.C. 527f**

It is declared to be the policy of Congress to encourage uniformity of boating laws, rules, and regulations as among the several States and the Federal Government to the fullest extent practicable, subject to reasonable exceptions arising out of local conditions. In the interest of fostering the development, use, and enjoyment of all the waters of the United States it is further declared to be the policy of the Congress hereby to encourage the highest degree of reciprocity and comity among the several jurisdictions. The Secretary, acting under the authority of section 141 of title 14 shall to the greatest possible extent enter into agreements and other arrangements with the States to insure that there shall be the fullest possible cooperation in the enforcement of both State and Federal statutes, rules, and regulations relating to recreational boating.

Publication of findings; public inspection**46 U.S.C. 527g**

The Secretary is authorized and directed to compile, analyze, and publish, either in summary or detailed form, the information obtained by him from the accident reports transmitted to him under section 527a(c)(6), and under section 5267(c) of this title, together

¹ In the original act these references were to the Federal Boating Act of 1958, the Motorboat Act of 1940, as amended, and the applicable rules of the road.

with such findings concerning the causes of such accidents and such recommendations for their prevention as he may deem necessary. Such information shall be made available for public inspection in such manner as the Secretary may deem practicable.

Enforcement provisions; State jurisdiction unimpaired; approval of State numbering systems

46 U.S.C. 527h

The applicability and the jurisdiction for enforcement, upon the navigable waters of the United States, the commonwealth of Puerto Rico, the Virgin Islands, Guam, and the District of Columbia, of the laws of the United States and of any State which require the numbering and otherwise regulate the use of undocumented vessels, shall be as follows:

(1) Such laws of the United States shall be applicable and enforced on such waters by law enforcement officers of the United States.

(2) Such laws of any State in a State having a numbering system approved by the Secretary under section 527a(c) of this title shall be applicable and enforced on such waters by law enforcement officers of the State or by law enforcement officers of the appropriate subdivisions of the State.

(3) Nothing herein shall preclude enforcement of State or Federal laws pursuant to agreements or other arrangements entered into between the Secretary and any State within the contemplation of section 527f of this title.

(4) Nothing herein shall interfere with, abrogate or limit the jurisdiction of any State: *Provided, however,* That the Secretary shall not approve any State system for numbering which does not fully comply with the standards set forth in section 527a(c) of this title.

Delegation of Functions

The following Treasury Department Order 167-32 (23 F.R. 7605) was issued by the Acting Secretary of the Treasury under date of September 23, 1958:

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 and by 14 U.S.C. 631, there are transferred to the Commandant, U.S. Coast Guard, the functions of the Secretary of the Treasury under the Federal Boating Act of 1958 (Public Law 85-911; 72 Stat. 1754-1758), an Act to promote boating safety on the navigable waters of the United States.

The Commandant may make provisions for the performance by subordinates in the Coast Guard of any of the functions transferred except the functions of prescribing rules and regulations and making determinations that a State system for numbering meets the standards set forth in the law.

Chapter 3.—INSPECTION OF VESSELS

SUBCHAPTER 3A.—CERTAIN VESSELS SUBJECT TO INSPECTION AND REGULATION

What are steam vessels

46 U.S.C. 361 (R.S. 4399)

Every vessel subject to inspection propelled in whole or in part by steam or by any other form of mechanical or electrical power shall be considered a steam vessel within the meaning of and subject to all of the provisions of this Act: *Provided, however,* That motor-boats as defined in the Act of April 25, 1940 (46 U.S.C. 526q), are exempt from the provisions of this Act.

Domestic and foreign vessels; laws applicable

46 U.S.C. 362 (R.S. 4400)

All steam vessels navigating any waters of the United States which are common highways of commerce or open to general or competitive navigation, excepting public vessels of the United States, vessels of other countries, and boats propelled in whole or in part by steam for navigating canals, shall be subject to the provisions of title 52 of the Revised Statutes.

Foreign steam passenger vessels

46 U.S.C. 362 (R.S. 4400)

And all foreign private steam vessels carrying passengers from any port of the United States to any other place or country shall be subject to the provisions of sections 170, 391, 392, 399, 400, 402, 481, 494, 495, 497, and 498 of this title, and shall be liable to visitation and inspection by the proper officer, in any of the ports of the United States, respecting any of the provisions of the sections aforesaid: *Provided, however,* That when such foreign passenger steamers belong to countries having inspection laws approximating those of the United States, and have unexpired certificates of inspection issued by the proper authorities in the respective countries to which they belong, they shall be subject to no other inspection than necessary to satisfy the Coast Guard that the condition of the vessel, her boilers, and her lifesaving equipment are as stated in the current certificate of inspection; but no such certificate of inspection shall be accepted as evidence of lawful inspection except when presented by steam vessels of other countries which have by their laws accorded to the steam vessels of the United States visiting such countries the same privileges accorded herein to the steam vessels of such countries visiting the United States; it being further provided that there shall be collected and paid into the Treasury of the United States the same fees for the inspection of foreign passenger steamers carrying passengers from the

United States that any foreign nation shall charge the merchant vessels of the United States trading to the ports of such nationality; it being further provided that the Commandant of the Coast Guard shall have the power to waive at any time the collection of such fees upon due notice of the proper authorities of any country concerned that the collection of fees for the inspection of American steam merchant vessels has been discontinued.

It is further provided that the Commandant of the Coast Guard may, in his discretion, permit any foreign passenger steamer coming within the provisions of this Chapter whose foreign certificate of inspection shall have expired at sea since last leaving the country to which said vessel belongs, or while said vessel shall have been in a port of the United States, to sail upon her regular route without undergoing any further inspection than would have been required had said foreign certificate of inspection been in force: *Provided, however,* That such discretion shall be exercised only with respect of vessels operated upon regularly established lines, and in cases where such foreign passenger steamers will be regularly inspected by the authorities of her home government before her next return to a port of the United States.

Vessels navigating coastwise and on Great Lakes

46 U.S.C. 364 (R.S. 4401)

All coastwise seagoing vessels, and vessels navigating the Great Lakes, shall be subject to the navigation laws of the United States, when navigating within the jurisdiction thereof; and all vessels, propelled in whole or in part by steam, and navigating as aforesaid, shall be subject to all the rules and regulations established in pursuance of law for the government of steam vessels in passing, as provided by title 52 of the Revised Statutes, and every coastwise seagoing steam vessel subject to the navigation laws of the United States, and to the rules and regulations aforesaid, not sailing under register, shall, when under way, except on the high seas, be under the control and direction of pilots licensed by the Coast Guard.

Department of Commerce vessels

46 U.S.C. 363

All steam vessels owned or operated by the Department of Commerce, or any corporation organized or controlled by it, shall be subject to all the provisions of title 52 of the Revised Statutes for the regulation of steam vessels and Acts amendatory thereof or supplemental thereto.

Seagoing vessels propelled by internal-combustion engines

46 U.S.C. 367

Existing laws covering the inspections of steam vessels are made applicable to seagoing vessels of three hundred gross tons and over, propelled in whole or in part by internal-combustion engines to such extent and upon such conditions as may be required by the regulations of the Commandant of the Coast Guard: *Provided,* That this shall not apply to any vessel engaged in fishing, oystering, clam-

ming, crabbing, or any other branch of the fishery or kelp or sponge industry: *Provided further*, That as to licenses required for masters and engineers operating vessels propelled by internal-combustion engines operating exclusively in the district covering the Hawaiian Islands, said masters and engineers shall be under the jurisdiction of the Coast Guard officials having jurisdiction over said waters, who shall make diligent inquiry as to the character, merits, and qualifications, and knowledge and skill of any master or engineer applying for a license. If the said Coast Guard officials shall be satisfied from personal examination of the applicant and from other proof submitted that the applicant possesses the requisite character, merits, qualifications, knowledge, and skill, and is trustworthy and faithful, they shall grant him a license for the term of five years to operate such vessel under the limits prescribed in the license. The term "seagoing vessels" as used in this section shall be construed to mean vessels which in the usual course of their employment proceed outside the line dividing the inland waters from the high seas as designated and determined under the provisions of section 151 of title 33.

Foreign vessels admitted to registry

46 U.S.C. 366

The Commandant of the Coast Guard is authorized to direct the inspection of any foreign vessel, admitted to American registry, its steam boilers, steam pipes, and appurtenances, and to direct the issue of the usual certificate of inspection, whether said boilers, steam pipes, and appurtenances are or are not constructed pursuant to the laws of the United States, or whether they are or are not constructed of iron stamped pursuant to said laws. The tests in the inspection of such boilers, steam pipes, and appurtenances shall be the same in all respects as to strength and safety as are required in the inspection of boilers constructed in the United States for marine purposes.

Penalty for failure to comply with provisions

46 U.S.C. 497 (R.S. 4499)

If any vessel propelled in whole or in part by steam be navigated without complying with the terms of title 52 of the Revised Statutes, the owner shall be liable to the United States in a penalty of \$500 for each offense, one-half for the use of the informer, for which sum the vessel so navigated shall be liable, and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense. Persons or corporations chartering or engaging or contracting for the use of vessels subject to title 52 of the Revised Statutes under such terms and conditions that they have full and exclusive control of the management and operation of such vessels, shall be subject to the same penalties for violations of the provisions of title 52 of the Revised Statutes as are now imposed upon owners of vessels thereunder, and in such cases the owners shall not be liable to such penalties for such violations by such charterers or contractors.

Penalty in cases not provided for**46 U.S.C. 498 (R.S. 4500)**

The penalty for the violation of any provision of title 52 of the Revised Statutes not otherwise specially provided for, shall be a fine of \$500, recoverable one-half for the use of the informer.

Emergency foreign vessel acquisition; documentation of vessels; waiver of compliance**50 U.S.C. 198**

(a) Any vessel not documented under the laws of the United States, acquired by or made available to the Secretary of Commerce under sections 196–198 of this title, or otherwise, may, notwithstanding any other provision of law, in the discretion of the Secretary of the Treasury be documented as a vessel of the United States under such rules and regulations or orders, and with such limitations, as the Secretary of the Treasury may prescribe or issue as necessary or appropriate to carry out the purposes and provisions of sections 196–198 of this title, and in accordance with the provisions of subsection (c) of this section, engage in the coastwise trade when so documented. Any document issued to a vessel under the provisions of this subsection shall be surrendered at any time that such surrender may be ordered by the Secretary of the Treasury. No vessel, the surrender of the documents of which has been so ordered, shall, after the effective date of such order, have the status of a vessel of the United States unless documented anew.

(b) The President may, notwithstanding any other provisions of law by rules and regulations or orders, waive compliance with any provision of law relating to masters, officers, members of the crew, or crew accommodations on any vessel documented under authority of this section to such extent and upon such terms as he finds necessary because of the lack of physical facilities on such vessels, and because of the need to employ aliens for their operation. No vessel shall cease to enjoy the benefits and privileges of a vessel of the United States by reason of the employment of any person in accordance with the provisions of this subsection.

(c) Any vessel while documented under the provisions of this section, when chartered under sections 196–198 of this title by the Secretary of Commerce to Government agencies or departments or to private operators, may engage in the coastwise trade under permits issued by the Secretary of Commerce, who is authorized to issue permits for such purpose pursuant to such rules and regulations as he may prescribe. The Secretary of Commerce is authorized to prescribe such rules and regulations as he may deem necessary or appropriate to carry out the purposes and provisions of this section. The second paragraph of section 808 of title 46, shall not apply with respect to vessels chartered to Government agencies or departments or to private operators or otherwise used or disposed of under sections 196–198 of this title. Existing laws covering the inspection of steam

vessels are made applicable to vessels documented under this section only to such extent and upon such conditions as may be required by regulations of the Secretary of the department in which the Coast Guard is operating: *Provided*, That in determining to what extent those laws should be made applicable, due consideration shall be given to the primary purpose of transporting commodities essential to the national defense.

(d) The Secretary of Commerce without regard to the provisions of section 5 of title 41 may repair, reconstruct, or recondition any vessels to be utilized under sections 196-198 of this title. The Secretary of Commerce and any other Government department or agency by which any vessel is acquired or chartered, or to which any vessel is transferred or made available under sections 196-198 of this title may, with the aid of any funds available and without regard to the provisions of said section 5 of title 41, repair, reconstruct, or recondition any such vessels to meet the needs of the services intended, or provide facilities for such repair, reconstruction, or reconditioning. The Secretary of Commerce may operate or charter for operation any vessel to be utilized under sections 196-198 of this title to private operators, citizens of the United States, or to any department or agency of the United States Government, without regard to the provisions of sections 1191-1204 of title 46, and any department or agency of the United States Government is authorized to enter into such charters.

(e) In case of any voyage of a vessel documented under the provisions of this section begun before the date of termination of an effective period of section 196 of this title, but is completed after such date, the provisions of this section shall continue in effect with respect to such vessel until such voyage is completed.

(f) When used in sections 196-198 of this title, the term "documented" means "registered," "enrolled and licensed," or "licensed."

Delegation of Functions

The following Treasury Department Order 167-14 (19 F.R. 8026) was issued by the Acting Secretary of the Treasury under date of November 26, 1954:

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950 (15 F.R. 4935), there are hereby delegated to the Commandant, U.S. Coast Guard, with authority to redelegate, the functions vested in the Secretary of the Treasury by section 3(c) of Public Law 569, 83d Congress, approved August 9, 1954 (68 Stat. 675, 676) with respect to the inspection of foreign merchant vessels acquired and operated under this act and the making of determinations to what extent the laws covering the inspection of steam vessels shall apply to such vessels.

Vessels Navigating Irondequoit Bay

46 U.S.C. 365

Irondequoit Bay, New York, shall, for the purpose of applying the provisions of title 52 of the Revised Statutes, relating to steam vessels

navigating thereon, be declared a navigable water of the United States; and steam vessels navigated thereon, and carrying passengers, shall be inspected under the provisions of section 404 of this title, and subject to the penalties provided therein for a failure to comply therewith. (June 25, 1890, ch. 616, 26 Stat. 180.)

Name of steamer exhibited

46 U.S.C. 493 (R.S. 4495)

Every steam vessel of the United States, in addition to having her name painted on her stern, shall have the same conspicuously placed in distinct, plain letters, of not less than six inches in length on each outer side of the pilot house, if it has such, and in case the vessel has side wheels, also on the outer side of each wheelhouse; and if any such steamboat be found without having her name placed as required, she shall be subject to the same penalty and forfeiture as provided by law in the case of a vessel of the United States found without having her name, and the name of the port to which she belongs, painted on her stern.

Names and home ports, marked on bow and stern

46 U.S.C. 46 (R.S. 4178)

The name of every documented vessel of the United States shall be marked upon each bow and upon the stern, and the home port shall also be marked upon the stern. These names shall be painted or gilded, or consist of cut or carved or cast roman letters in light color on a dark ground, or in a dark color on a light ground, secured in place, and to be distinctly visible. The smallest letters used shall not be less in size than four inches. If any such vessel shall be found without these names being so marked the owner or owners shall be liable to a penalty of \$10 for each name omitted.

"Port" defined

46 U.S.C. 47

The word "port," as used in section 46 of this title, in reference to painting the name and port of every registered or licensed vessel on the stern of such vessel, shall be construed to mean either the port where the vessel is registered or enrolled, or the place in the same district where the vessel was built or where one or more of the owners reside.

Draft marked on stem and stern posts

46 U.S.C. 48

The draft of every registered vessel shall be marked upon the stem and stern post, in English feet or decimeters, in either Arabic or Roman numerals. The bottom of each numeral shall indicate the draft to that line.

Numbers for vessels**46 U.S.C. 45 (R.S. 4177)**

The Commissioner of Customs shall have power, under such regulations as he shall prescribe, to establish and provide a system of numbering vessels [so] registered, enrolled, and licensed; and each vessel so numbered shall have her number deeply carved or otherwise permanently marked on her main beam; and if at any time she shall cease to be so marked, such vessel shall be liable to a fine of \$30 on every arrival in a port of the United States if she have not her proper official number legally carved or permanently marked.

**SUBCHAPTER 3B.—MODE, MANNER, AND EXTENT OF INSPECTIONS;
CERTIFICATES; AND RECORDS****Hulls and equipment****46 U.S.C. 391 (R.S. 4417)**

(a) The head of the department in which the Coast Guard is operating shall require the Coast Guard to inspect before the same shall be put into service, and at least once in every year thereafter, the hull of every steam vessel carrying passengers; to determine to its satisfaction that every such vessel so submitted to inspection is of a structure suitable for the service in which she is to be employed, has suitable accommodations for passengers and the crew, and is in a condition to warrant the belief that she may be used in navigation, with safety to life, and that the vessel is in full compliance with the applicable requirements of this title or Acts amendatory or supplementary thereto and regulations thereunder; and if deemed expedient, to direct the vessel to be put in motion or to adopt any other suitable means to test her sufficiency and that of her equipment.

(b) The head of the department in which the Coast Guard is operating shall require the Coast Guard to inspect before the same shall be put into service, and at least once in every two years thereafter, the hull of each steam vessel, not carrying passengers; to determine to its satisfaction that every such vessel so submitted to inspection is of a structure suitable for the service in which she is to be employed, has suitable accommodations for the crew, and is in a condition to warrant the belief that she may be used in navigation, with safety to life, and that the vessel is in full compliance with the applicable requirements of this title or Acts amendatory or supplementary thereto and regulations thereunder; and if deemed expedient, to direct the vessel to be put in motion or to adopt any other suitable means to test her sufficiency and that of her equipment.

(c) The head of the department in which the Coast Guard is operating shall require the Coast Guard to inspect before the same shall be put into service, and at least once in every year thereafter, the hull of each sail vessel of over seven hundred gross tons carrying passengers for hire and all other vessels and barges of over one hundred gross tons carrying passengers for hire; and to determine to its satisfaction that every such vessel so submitted to inspection is of a structure suitable for the service in which she is to be employed, has suitable accommodations for the passengers and crew, and is in condition to warrant the belief that she may be used in navigation with safety to life.

(d) Whenever it is found on board any vessel subject to the provisions of this title, or any Acts amendatory or supplementary thereto, that any equipment, machinery, apparatus, or appliances do not conform to the requirements of law or regulations promulgated thereunder, the owner or master of said vessel shall be required to place the same in proper condition; and if there shall be found on board any such vessel any life preserver or fire hose so defective as to be incapable of repair, the owner or master shall be required to destroy the same in the presence of an official designated by the head of the department in which the Coast Guard is operating. In any of the foregoing cases the requirements may be enforced by revoking the

certificate of said vessel, and by refusing to issue a new certificate until the requirements have been fully complied with. In any case where the head of the department in which the Coast Guard is operating has delegated to a Coast Guard official the authority to enforce the said requirements by revocation of certificates of inspection, the action of said Coast Guard official may be reversed, modified, or set aside by the head of the department in which the Coast Guard is operating on proper appeal by the owner or master of said vessel. Appeals shall be made to the head of the department in which the Coast Guard is operating within thirty days after the final action of the aforesaid Coast Guard official.

(e) Vessels subject to inspection under this title or Acts amendatory or supplementary thereto while laid up and dismantled and out of commission may, by regulations established by the head of the department in which the Coast Guard is operating, be exempted from any or all inspection under this section and sections 392, 404, and 405 of this title.

Delegation of Functions

The following Treasury Department Order CGFR 56-28 (21 F.R. 5659) was issued by the Acting Secretary of the Treasury under date of July 24, 1956:

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 and 14 U.S.C. 631, there are transferred to the Commandant, U.S. Coast Guard, the functions of the Secretary of the Treasury under:

1. Public Law 548, 84th Congress, approved June 4, 1956 (46 U.S.C. 391, 392, 395, 435).

2. Public Law 549, 84th Congress, approved June 4, 1956 (46 U.S.C. 390-390g, 404, 526f). The Commandant shall have final action on appeals made in accordance with section 1(d) of this act.

3. Public Law 64, 84th Congress, approved June 8, 1955 (46 U.S.C. 399).

The Commandant may make provisions for the performance by subordinates in the Coast Guard of all functions contained in the above acts except the issuance of regulations and the action taken on appeals made in accordance with section 1(d), Public Law 549, 84th Congress.

Boilers, unfired pressure vessels, and appurtenances; machinery and electrical equipment

46 U.S.C. 392 (R.S. 4418)

(a) The head of the department in which the Coast Guard is operating shall require the Coast Guard to inspect, before the same shall be put into service and once at least in every year thereafter, the boilers, unfired pressure vessels, and appurtenances thereof, also the propelling and auxiliary machinery, electrical apparatus and equipment, of all passenger vessels subject to inspection.

(b) The head of the department in which the Coast Guard is operating also shall require the Coast Guard to inspect, before the same shall be put into service and at least once in every two years there-

after, the boilers, unfired pressure vessels, and appurtenances thereof, also the propelling and auxiliary machinery, electrical apparatus and equipment, of all vessels subject to inspection other than passenger vessels.

(c) The head of the department in which the Coast Guard is operating shall require the Coast Guard to determine to its satisfaction by thorough examination that the boilers, unfired pressure vessels, and appurtenances thereof, also the propelling and auxiliary machinery, electrical apparatus and equipment of all vessels which are subject to inspection under subsections (a) and (b) of this section are in conformity with law and the rules and regulations of the head of the department in which the Coast Guard is operating, and may be safely employed in the service proposed. No boiler, unfired pressure vessel, or appurtenances thereof shall be allowed to be used if constructed in whole or in part of defective material or which because of its form, design, workmanship, age, use, or for any other reason is unsafe.

(d) At each original inspection and at each annual or biennial inspection thereafter, whichever is applicable, all boilers, unfired pressure vessels, and main steam piping shall be subjected to hydrostatic tests or such other tests as may be prescribed by the head of the department in which the Coast Guard is operating. The ratio of the hydrostatic test to the maximum working pressure shall be determined by action of the head of the department in which the Coast Guard is operating.

Regulations for vessels subject to Coast Guard

46 U.S.C. 481 (R.S. 4488)

(a) In order to provide against hazard to life and property, the Secretary of the Department in which the Coast Guard is operating (hereinafter referred to as the "Secretary") shall prescribe such rules and regulations as may be necessary for vessels subject to inspection and certification by the United States Coast Guard with respect to the following matters:

(1) Lifesaving equipment, including, but not limited to, the number, type, size, capacity, details of construction, methods of operation, stowage, maintenance, manning, use, testing, and inspecting of such equipment, and drills and exercises necessary to assure proper functioning and use of such equipment.

(2) Firefighting equipment and precautionary measures guarding against fire, including, but not limited to, the number, type, size, capacity, details of construction, methods of operation, stowage, maintenance, manning, use, testing, and inspecting of such equipment, and drills and exercises necessary to assure proper functioning and use of such equipment.

(3) Muster lists, including, but not limited to, the posting of such lists, and prescribing the special duties to be performed by crew members in the event of emergency.

(4) Ground tackle and hawsers, including, but not limited to, the number, size, stowage, use, maintenance, manning, testing, and inspection.

(5) Bilge systems for the removal of liquid from the various parts of the vessel, including, but not limited to, design, installation, capacity, composition, functioning, manning, testing, and inspection.

(b) (1) In prescribing rules and regulations pursuant to this section, the Secretary shall give consideration to the age, size, service, route, and other factors affecting the operation of the vessels.

(2) Unless otherwise prescribed by treaty or other international agreement, the rules and regulations prescribed by the Secretary pursuant to this section shall be applicable to all foreign vessels carrying passengers from ports of the United States.

(3) The Secretary may, upon his own motion, or upon the application of any interested party, determine that the application to any vessel of the rules and regulations prescribed pursuant to this section, or any part thereof, is not necessary in the public interest, and he may order such vessel exempt from their application upon such terms and conditions and for such periods of time as he may specify in the order.

(c) The owner or operator of any vessel who neglects or refuses to provide and equip his vessel with the lifesaving, firefighting, or other equipment, or take other measures required by the rules or regulations issued pursuant to this section shall be liable to the United States in a penalty of \$1,000 for each such neglect or refusal for which sum the vessel shall be liable and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the violation; and any master or person in charge of such vessel who so defaults shall be liable to a penalty of \$500.

(d) Any person who willfully and knowingly manufactures or sells, or offers for sale, or has in his possession with intent to sell, any lifesaving, firefighting, or other equipment subject to the provisions of title 52 of the Revised Statutes, as amended, which is so defective as to be inefficient to accomplish the purpose for which it is intended, shall be fined not more than \$10,000 and may, in addition thereto, in the discretion of the Court, be imprisoned for a term not exceeding five years.

Delegation of Functions

The following Treasury Department Order 167-38 (24 F.R. 8857) was issued by the Acting Secretary of the Treasury under date of October 26, 1959:

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 and by 14 U.S.C. 631, there are transferred to the Commandant, U.S. Coast Guard, the functions of the Secretary of the Treasury under Public Law 86-244, approved September 9, 1959 (R.S. 4488, as amended; 73 Stat. 475, 476; 46 U.S.C. 481), with respect to lifesaving equipment, firefighting equipment, muster lists, ground tackle, hawsers, bilge systems aboard vessels, etc.

The Commandant may make provision for the performance by subordinates in the Coast Guard of any of the functions transferred except the functions of prescribing rules and regulations.

Use of instruments for security of life to be approved**46 U.S.C. 489 (R.S. 4491)**

No kind of instrument, machine, or equipment for the better security of life, provided for by title 52 of the Revised Statutes, shall be used on any steam vessel which shall not first be approved by the Commandant of the Coast Guard.

Inspection of ferryboats, canalboats, and small craft; regulations**46 U.S.C. 404 (R.S. 4426)**

The hulls and boilers of every ferryboat, canalboat, yacht, or other small craft of like character propelled by steam, shall be inspected under the provisions of this title. Such other provisions of law for the better security of life as may be applicable to such vessels shall, by the regulations of the Secretary of the department in which the Coast Guard is operating, also be required to be complied with before a certificate of inspection shall be granted, and no such vessel shall be navigated without a licensed engineer and a licensed pilot: *Provided*, That in open steam launches of ten gross tons and under, one person, if duly qualified, may serve in the double capacity of pilot and engineer. All vessels of above fifteen gross tons carrying freight for hire and all vessels of above fifteen gross tons and in excess of sixty-five feet in length carrying passengers for hire, but not engaged in fishing as a regular business, propelled by gas, fluid, naphtha, or electric motors, shall be subject to all the provisions of this section relating to the inspection of hulls and boilers and requiring engineers and pilots, and for any violation of the provisions of title 52 of the Revised Statutes applicable to such vessels, or of rules or regulations lawfully established thereunder, and to the extent to which such provisions of law and regulations are so applicable, the said vessels, their masters, officers, and owners shall be subject to the provisions of sections 494-498 of this title, relating to the imposition and enforcement of penalties and the enforcement of law: *Provided, however*. That until June 30, 1956, no vessel registered or licensed as a vessel of the United States of fifteen gross tons or less on December 31, 1953, shall be deemed to be subject to the inspection provisions of this section notwithstanding the fact that such vessel may thereafter be found to have a tonnage in excess of fifteen gross tons, unless such finding results from an alteration in the length, breadth, or depth effected after December 31, 1953: *Provided further*, That no vessel under one hundred and fifty gross tons, owned by or demise chartered to any cooperative or association engaged solely in transporting cargo owned by any one or more of the members of such cooperative or association on a nonprofit basis (1) between places within the inland waters of southeastern Alaska, as defined pursuant to section 151 of Title 33, or (2) between places within said inland waters of southeastern Alaska and Prince Rupert, British Columbia, or (3) between places within said inland waters of southeastern Alaska and places within the inland waters of the State of Washington, as also defined pursuant to such section, via sheltered waters, as defined in article I, of the Treaty between United States and Canada defining certain waters of the west coast of North America

as sheltered waters, dated December 9, 1933, shall be deemed to be carrying freight for hire within the meaning of this section. (As amended Aug. 23, 1958, Public Law 85-739, § 1, 72 Stat. 833.)

Delegation of Functions

See Treasury Department Order 167-20 with 46 U.S.C. 390-390g, page 116.

Fishing vessels; transfer and transportation of catch of other vessels

46 U.S.C. 404a

For the purposes of the laws of the United States relating to documentation and inspection of vessels of the United States, a vessel enrolled and licensed, or licensed as a vessel of the United States to engage in the fishery, shall not be deemed to be used in employment for which not licensed, and shall not be considered as engaged in the transportation of freight for hire, solely because such vessel occasionally takes on board on the high seas and transports without a monetary consideration to a port of the United States, the catch of another fishing vessel of the United States. (Public Law 87-177, Aug. 30, 1961, 75 Stat. 410.)

Tugboats and freight boats

46 U.S.C. 405 (R.S. 4427)

The hull and boiler of every tugboat, towing boat, and freight boat shall be inspected, under the provisions of title 52 of the Revised Statutes; and the Coast Guard shall see that the boilers, machinery, and appurtenances of such vessel are not dangerous in form or workmanship, and that the safety valves, gauge cocks, low-water alarm indicators, steam gauges, and fusible plugs are all attached in conformity to law; and the officers navigating such vessels shall be licensed in conformity with the provisions of sections 214, 224, 226, 228, 229, and 230 of this title, and shall be subject to the same provisions of law as officers navigating passenger steamers.

Vessels having on board inflammable or combustible liquid cargo in bulk

46 U.S.C. 391a (R.S. 4417a)

(1) All vessels, regardless of tonnage, size, or manner of propulsion, and whether self-propelled or not, and whether carrying freight or passengers for hire or not, that shall have on board any inflammable or combustible liquid cargo in bulk, except public vessels owned by the United States, other than those engaged in commercial service, shall be considered steam vessels for the purposes of title 52 of the Revised Statutes and shall be subject to the provisions thereof: *Provided*, That this section shall not apply to vessels having on board only inflammable or combustible liquid for use as fuel or stores or to vessels carrying liquid cargo only in drums, barrels, or other packages.

Rules and regulations for handling liquid cargo

(2) In order to secure effective provision against the hazards of life and property created by the vessels to which this section applies, the Commandant of the Coast Guard shall establish such additional rules and regulations as may be necessary with respect to the design and construction, alteration, or repair of such vessels, including the superstructures, hulls, places for stowing and carrying such liquid cargo, fittings, equipment, appliances, propulsive machinery, auxiliary machinery, and boilers thereof; and with respect to all materials used in such construction, alteration, or repair; and with respect to the handling and stowage of such liquid cargo; the manner of such handling or stowage, and the machinery and appliances used in such handling and stowage; and with respect to equipment and appliances for lifesaving and fire protection; and with respect to the operation of such vessels; and with respect to the requirements of the manning of such vessels and the duties and qualifications of the officers and crews thereof; and with respect to the inspection of all the foregoing. In establishing such rules and regulations the Commandant of the Coast Guard may adopt rules of the American Bureau of Shipping or similar American classification society for classed vessels insofar as such rules pertain to the efficiency of hulls and the reliability of machinery of vessels to which this section applies. In establishing such rules and regulations, the Commandant of the Coast Guard shall give due consideration to the kinds and grades of such liquid cargo permitted to be on board such vessel.

Hearing before approval of rules

(3) Before any rules and regulations, or any alteration, amendment, or repeal thereof, are approved by the Commandant of the Coast Guard under the provisions of this section, except in an emergency, the said Commandant shall publish such rules and regulations and hold hearings with respect thereto on such notice as he deems advisable under the circumstances.

Certificate of inspection and permit required

(4) No vessel subject to the provisions of this section shall, after the effective date of the rules and regulations established hereunder, have on board such liquid cargo, until a certificate of inspection has been issued to such vessel in accordance with the provisions of title 52 of the Revised Statutes and until a permit has been endorsed on such certificate of inspection by the Coast Guard, indicating that such vessel is in compliance with the provisions of this section and the rules and regulations established hereunder, and showing the kinds and grades of such liquid cargo that such vessel may have on board or transport. Such permit shall not be endorsed by the Coast Guard on such certificate of inspection until such vessel has been inspected by the Coast Guard and found to be in compliance with the provisions of this section and the rules and regulations established hereunder. For the purpose of any such inspection, approved plans and certificates of class of the American Bureau of Shipping or other recognized classification society for classed vessels may be accepted as evidence

of the structural efficiency of the hull and the reliability of the machinery of such classed vessels except as far as existing law places definite responsibility on the Coast Guard. A permit issued under the provisions of this section shall be valid for a period of time not to exceed the duration of the certificate of inspection on which such permit is endorsed, and shall be subject to revocation by the Coast Guard whenever it shall find that the vessel concerned does not comply with the conditions upon which such permit was issued: *Provided*, That the provisions of this subsection shall not apply to vessels of a foreign nation having on board a valid certificate of inspection recognized under law or treaty by the United States: *And provided further*, That no permit shall be issued under the provisions of this section authorizing the presence on board any vessel of any of the materials expressly prohibited from being thereon by subsection 3 of section 170 of this title.

Shipping documents required on board

(5) Vessels subject to the provisions of this section shall have on board such shipping documents as may be prescribed by the Commandant of the Coast Guard indicating the kinds, grades, and approximate quantities of such liquid cargo on board such vessel, the shippers and consignees thereof, and the location of the shipping and destination points.

Number of officers and tankermen

(6) (a) In all cases where the certificate of inspection does not require at least two licensed officers, the Coast Guard shall enter in the permit issued to any vessel under the provisions of this section the number of the crew required to be certificated as tankermen.

(b) The Coast Guard shall issue to applicants certificates as tankerman, stating the kinds of liquid cargo the holder of such certificate is, in the judgment of the Coast Guard, qualified to handle aboard vessels with safety, upon satisfactory proof and examination, in form and manner prescribed by the Commandant of the Coast Guard, that the applicant is in good physical condition, that such applicant is trained in and capable efficiently to perform the necessary operations aboard vessels having such liquid cargo on board, and that the applicant fulfills the qualifications of tankerman as prescribed by the Commandant of the Coast Guard under the provisions of this section. Such certificates shall be subject to suspension or revocation on the same grounds and in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses of officers under the provisions of section 239 of this title.

Penalties

(7) The owner, master, or person in charge of any vessel subject to the provisions of this section, or any or all of them, who shall violate the provisions of this section, or of the rules and regulations established hereunder, shall be subject to a fine of not more than \$1,000 or imprisonment for not more than one year, or both such fine and imprisonment.

Effective date of rules and regulations

(8) The rules and regulations to be established pursuant to this section shall become effective ninety days after their promulgation unless the Commandant of the Coast Guard shall for good cause fix a different time.

Regulation of carriage of explosives or other dangerous articles on vessels

46 U.S.C. 170 (R.S. 4472)

(1) The word "vessel" as used in this section shall include every vessel, domestic or foreign, regardless of character, tonnage, size, service, and whether self-propelled or not, on the navigable waters of the United States, including its Territories and possessions, but not including the Panama Canal Zone, whether arriving or departing, or under way, moored, anchored, aground, or while in dry-dock; it shall not include any public vessel which is not engaged in commercial service, nor any vessel subject to the provisions of section 391a of this title, which is constructed or converted for the principal purpose of carrying inflammable or combustible liquid cargo in bulk in its own tanks: *Provided*, That the provisions of subsection (3) of this section shall apply to every such vessel subject to the provisions of section 391a of this title, which is constructed or converted for the principal purpose of carrying inflammable or combustible liquid cargo in bulk in its own tanks.

(2) The phrase "passenger-carrying vessel" as used in this section, when applied to a vessel subject to any provision of the International Convention for Safety of Life at Sea, 1929, means a vessel which carries or is authorized to carry more than twelve passengers.

(3) It shall be unlawful knowingly to transport, carry, convey, store, stow, or use on board any vessel fulminates or other detonating compounds in bulk in dry condition, or explosive compositions that ignite spontaneously or undergo marked decomposition when subjected for forty-eight consecutive hours to a temperature of one hundred and sixty-seven degrees Fahrenheit, or compositions containing an ammonium salt and a chlorate, or other like explosives.

(4) It shall be unlawful knowingly to transport, carry, convey, store, stow, or use on board any passenger-carrying vessel any high explosives such as, and including, liquid nitroglycerin, dynamite, trinitrotoluene, picrates, detonating fuzes, fireworks that can be exploded en masse, or other explosives susceptible to detonation by a blasting cap or detonating fuze, except ships' signal and emergency equipment, and samples of such explosives (but not including liquid nitroglycerin) for laboratory or sales purposes in restricted quantities as may be permitted by regulations of the Commandant of the Coast Guard established hereunder.

(5) It shall be unlawful knowingly to transport, carry, convey, store, stow, or use on board any vessel other than a passenger-carrying vessel, any high explosive referred to in subsection (4) hereof except as permitted by the regulations of the Commandant of the Coast Guard established hereunder.

(6) (a) It shall be unlawful knowingly to transport, carry, convey, store, stow, or use (except as fuel for its own machinery) on board any vessel, except one specifically exempted by paragraph (b) of this subsection, any other explosives or other dangerous articles or substances, including inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases, poisonous articles or substances, hazardous articles, and ships' stores and supplies of a dangerous nature, except as permitted by the regulations of the Commandant of the Coast Guard established hereunder: *Provided*, That all of the provisions of this subsection relating to the transportation, carrying, conveying, storing, stowing, or use of explosives or other dangerous articles or substances shall apply to the transportation, carrying, conveying, storing, stowing or using on board any passenger vessel of any barrels, drums, or other packages of any combustible liquid which gives off inflammable vapors (as determined by flash-point in open cup tester as used for test of burning oil) at or below a temperature of one hundred and fifty degrees Fahrenheit and above eighty degrees Fahrenheit.

(b) This subsection shall not apply to—

(i) vessels not exceeding fifteen gross tons when not engaged in carrying passengers for hire;

(ii) vessels used exclusively for pleasure;

(iii) vessels not exceeding five hundred gross tons while engaged in the fisheries;

(iv) tugs or towing vessels: *Provided, however*, That any such vessel, when engaged in towing any vessel that has explosives, inflammable liquids, or inflammable compressed gases on board on deck, shall be required to make such provisions to guard against and extinguish fire as shall be prescribed by the Commandant of the Coast Guard;

(v) cable vessels, dredges, elevator vessels, fireboats, ice breakers, pile drivers, pilot boats, welding vessels, salvage and wrecking vessels;

(vi) inflammable or combustible liquid cargo in bulk: *Provided, however*, That the handling and stowage of any inflammable or combustible liquid cargo in bulk shall be subject to the provisions of section 391a of this title.

(7) In order to secure effective provisions against the hazards of health, life, limb, or property created by explosives or other dangerous articles or substances to which subsection (3), (5), or (6) of this section apply—

(a) The Commandant of the Coast Guard shall by regulations define, describe, name, and classify all explosives or other dangerous articles or substances, and shall establish such regulations as may be necessary to make effective the provisions of this section with respect to the descriptive names, packing, marking, labeling, and certification of such explosives or other dangerous articles or substances; with respect to the specifications of containers for explosives or other dangerous articles or substances; with respect to the marking and labeling of said containers; and shall accept and adopt for the purposes above mentioned in this subsection such definitions, descriptions, descriptive names, classifications, specifications of containers, packing, marking,

labeling, and certification of explosives or other dangerous articles or substances to the extent as are or may be established from time to time by the Interstate Commerce Commission insofar as they apply to shippers by common carriers engaged in interstate or foreign commerce by water. The Commandant of the Coast Guard shall also establish regulations with respect to marking, handling, storage, stowage, and use of explosives or other dangerous articles or substances on board such vessels; with respect to the disposition of any explosives or other dangerous articles or substances found to be in an unsafe condition; with respect to the necessary shipping papers, manifests, cargo-stowage plans, and the description and descriptive names of explosives or other dangerous articles or substances to be entered in such shipping documents; also any other regulations for the safe transportation, carriage, conveyance, storage, stowage, or use of explosives or other dangerous articles or substances on board such vessels as the Commandant of the Coast Guard shall deem necessary; and with respect to the inspection of all the foregoing mentioned in this paragraph. The Commandant of the Coast Guard may utilize the services of the Bureau for the Safe Transportation of Explosives and Other Dangerous Articles, and of such other organizations whose services he may deem to be helpful.

(b) The transportation, carriage, conveyance, storage, stowage, or use of such explosives or other dangerous articles or substances shall be in accordance with the regulations so established, which shall, insofar as applicable to them, respectively, be binding upon shippers and the owners, charterers, agents, masters, or persons in charge of such vessels, and upon all other persons transporting, carrying, conveying, storing, stowing, or using on board any such vessels any explosives or other dangerous articles or substances: *Provided*, That this section shall not be construed to prevent the transportation of military or naval forces with their accompanying munitions of war and stores.

(c) Nothing contained in this section shall be construed to relieve any vessel subject to the provisions of this section from any other of the requirements of title 52 (secs. 4399 to 4500, inclusive) of the Revised Statutes or Acts amendatory or supplementary thereto and regulations thereunder applicable to such vessel, which are not inconsistent herewith.

(d) Nothing contained in this section shall be construed as preventing the enforcement of reasonable local regulations now in effect or hereafter adopted, which are not inconsistent or in conflict with this section or the regulations of the Commandant of the Coast Guard established hereunder.

(e) The United States Coast Guard shall issue no permit or authorization for the loading or discharging to or from any vessel at any point or place in the United States, its territories or possessions (not including Panama Canal Zone) of any explosives unless such explosives, for which a permit is required by the regulations promulgated pursuant to this section, are packaged, marked, and labeled in conformity with regulations prescribed by the Interstate Commerce Commission under section 835 of Title 18, and unless such permit or authorization specifies that the limits as to maximum

quantity, isolation and remoteness established by local, municipal, territorial, or State authorities for each port shall not be exceeded. Nothing herein contained shall be deemed to limit or restrict the shipment, transportation, or handling of military explosives by or for the Armed Forces of the United States.

(8) Any master, owner, charterer, or agent shall refuse to transport any explosives or other dangerous articles or substances in violation of any provisions of this section and the regulations established thereunder, and may require that any container or package which he has reason to believe contains explosives or other dangerous articles or substances be opened to ascertain the facts.

(9) Before any regulations or any additions, alterations, amendments, or repeals thereof are made under the provisions of this section, except in an emergency, such proposed regulations shall be published and public hearings with respect thereto shall be held on such notice as the Commandant of the Coast Guard deems advisable under the circumstances. Any additions, alterations, amendments, or repeals of such regulations shall, unless a shorter time is authorized by the Commandant of the Coast Guard, take effect ninety days after their promulgation.

(10) It shall be unlawful knowingly to deliver or cause to be delivered, or tender for shipment to any vessel subject to this section any explosives or any other dangerous articles or substances defined in the regulations of the Commandant of the Coast Guard established hereunder under any false or deceptive descriptive name, marking, invoice, shipping paper, or other declaration and without informing the agent of such vessel in writing of the true character thereof at or before the time such delivery or transportation is made. It shall be unlawful for any person to tender for shipment, or ship on any vessel to which this section applies, any explosives or other dangerous articles or substances the transportation, carriage, conveyance, storage, stowage, or use of which on board vessels is prohibited by this section.

(11) The Commandant of the Coast Guard may exempt any vessel or class of vessels from any of the provisions of this section or any regulations or parts thereof established hereunder upon a finding by him that the vessel, route, area of operations, conditions of the voyage, or other circumstances are such as to render the application of this section or any of the regulations established hereunder unnecessary for the purposes of safety: *Provided*, That except in an emergency such exception shall be made for any vessel or class of vessels only after a public hearing.

(12) The provisions of this section and the regulations established hereunder shall be enforced primarily by the Coast Guard of the Department of the Treasury, which with the consent of the head of any executive department, independent establishment, or other agency of the Government, may avail itself of the use of information, advice, services, facilities, officers, and employees thereof (including the field service) in carrying out the provisions of this section: *Provided*, That no officer or employee of the United States shall receive any additional compensation for such services, except as permitted by law.

(13) Any collector of customs may, upon his own knowledge, or

upon the sworn information of any reputable citizen of the United States, that any vessel subject to this section is violating any of the provisions of this section or of the regulations established hereunder, by written order served on the master, person in charge of such vessel, or the owner or charterer thereof, or the agent of the owner or charterer, detain such vessel until such time as the provisions of this section and of the regulations established hereunder have been complied with. If the vessel be ordered detained, the master, person in charge, or owner or charterer, or the agent of the owner or charterer thereof, may within five days appeal to the Commandant of the Coast Guard, who may, after investigation, affirm, set aside, or modify the order of such collector. If any reputable citizen of the United States furnishes sworn information to any collector of customs that any vessel, subject to this section, is violating any of the provisions of this section or of the regulations established hereunder, and such information is knowingly false, the person so falsely swearing shall be deemed guilty of perjury.

(14) Whoever shall knowingly violate any of the provisions of this section or of any regulations established under this section shall be subject to a penalty of not more than \$2,000 for each violation. In the case of any such violation on the part of the owner, charterer, agent, master, or person in charge of the vessel, such vessel shall be liable for the penalty and may be seized and proceeded against by way of libel in the district court of the United States in any district in which such vessel may be found.

(15) When the death or bodily injury of any person results from the violation of this section or any regulations made in pursuance thereof, the person or persons who shall have knowingly violated or caused to be violated such provisions or regulations shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

(16) The transportation by vessels of gasoline or any other inflammable or combustible liquid or inflammable gas when carried by motor vehicles using the same as a source of their own motive power, or motive power for driving auxiliaries forming a part of the vehicle, shall be lawful under the conditions as set forth in the regulations established by the Commandant of the Coast Guard under this section: *Provided, however,* That the motor or motors in any vehicle be stopped immediately after entering the said vessel, and that the same be not restarted until immediately before said vehicle shall leave the vessel after said vessel has been made fast to the wharf or ferry bridge at which she lands. All other fire, if any, in such vehicle shall be extinguished before entering the said vessel and the same shall not be relighted until after said vehicle shall leave the vessel: *Provided further,* That the Commandant of the Coast Guard may, by regulation, permit the operation on board vessels of motive power for driving auxiliaries forming a part of motor vehicles, under such conditions as he may deem proper: *Provided further,* That any owner, charterer, agent, master, or other person having charge of a vessel shall have the right to refuse to transport motor vehicles the fuel tanks of which contain gasoline or other inflammable or combustible liquid or inflammable gas used as a source of power for the

vehicle or its auxiliaries: *Provided further*, That the owner, motor carrier, and operator of any such vehicle in which all fires have not been extinguished or the motor or motors stopped as required by this subsection or regulations established thereunder, and the owner, charterer, agent, master, or person in charge of the vessel on which such vehicle is transported, shall each be liable to a penalty of not more than \$500, for which the motor vehicle and vessel, respectively, shall be liable: *And provided further*, That a violation of this subsection shall not subject any person to the penalty provided in subsection (14) or (15) of this section.

Use of inflammable or combustible fuel

46 U.S.C. 170a

(a) Nothing herein contained shall prohibit the use by any vessel of motorboats, launches, or lifeboats equipped with engines using an inflammable or combustible fuel, nor shall anything herein contained prohibit such motorboats, launches, or lifeboats from carrying such inflammable or combustible fuel in their tanks: *Provided*, That no such inflammable or combustible fuel for the engines of such motorboats, launches, or lifeboats shall be carried except as may be prescribed by regulations of the Commandant of the Coast Guard: *Provided further*, That the use of such lifeboats shall be under such regulations as shall be prescribed by the Commandant of the Coast Guard.

Seagoing barges; hulls and equipment

46 U.S.C. 395

(a) The head of the department in which the Coast Guard is operating shall require the Coast Guard to inspect, before the same shall be put into service and at least once in every year thereafter, the hull and equipment of every seagoing barge of one hundred gross tons or over carrying passengers; and to determine to its satisfaction that such barge is of a structure suitable for the service in which she is to be employed, has suitable accommodations for the crew and passengers, and is in a condition to warrant the belief that she may be used in navigation with safety to life.

(b) The head of the department in which the Coast Guard is operating also shall require the Coast Guard to inspect, before the same shall be put into service and at least once in every two years thereafter, the hull and equipment of every seagoing barge of one hundred gross tons or over, not carrying passengers; and to determine to its satisfaction that such barge is of a structure suitable for the service in which she is to be employed, has suitable accommodations for the crew, if manned, and is in a condition to warrant the belief that she may be used in navigation with safety to life.

(c) Upon the satisfactory completion of the inspection authorized herein, a certificate of inspection shall be issued in the manner and for the purposes prescribed in sections 399 and 400 of this title.

Delegation of Functions

See Treasury Department Order CGFR 56-28 with 46 U.S.C. 391, page 85.

Certificate of inspection and equipment of barge required

46 U.S.C. 397

A register, enrollment, or license shall not be issued or renewed by any collector or other officer of customs to any such barge unless at the time of issue or renewal such barge has in force the certificate of inspection prescribed by section 395 of this title and on board the equipment prescribed by section 481 of this title.

Navigating barge without certificate or equipment prescribed

46 U.S.C. 398

If any such barge shall be navigated without such certificate of inspection, the owner shall be liable to a penalty of \$500 for such offense.

Regulation of length of towlines

33 U.S.C. 152

The Commandant of the Coast Guard shall prepare regulations limiting the length of hawsers between towing vessels and seagoing barges in tow and the length of such tows within any of the inland waters of the United States designated and defined from time to time pursuant to section 151 of this title, and such regulations shall have the force of law.

Penalty for use of unlawful towline

33 U.S.C. 153

The master of the towing vessel shall be liable to the suspension or revocation of his license for any willful violation of regulations issued pursuant to section 152 of this title in the manner now prescribed for incompetency, misconduct, or unskillfulness.

Certificate; temporary certificate; completion of voyage after expiration

46 U.S.C. 399 (R.S. 4421)

When the inspection of a steam vessel is completed and the Secretary of the department in which the Coast Guard is operating approves the vessel and her equipment throughout, he shall make and subscribe a certificate to that effect. He shall deliver such certificate to the master or owner of the vessel to which it relates, shall keep one copy thereof on file in his office, and shall deliver one copy to the official who is performing the duties of the collector or other chief officer of the customs of the district in which such inspection has been made, who shall keep the same on file in his office. If the Secretary refuses to grant a certificate of approval, he shall make a statement in writing and sign the same, giving the reasons for his disapproval. Upon such inspection and approval the Secretary shall

also make and subscribe a temporary certificate, which shall set forth substantially the fact of such inspection and approval, and shall deliver the same to the master or owner of the vessel and shall keep a copy thereof on file in his office. The said temporary certificate shall be carried and exposed by vessels in the same manner as is provided in section 400 of this title for the regular certificate, and the form thereof and the period during which it is to be in force shall be as prescribed under the authority of section 375 of this title. And such temporary certificate, during such period and prior to the delivery to the master or owner of the regular certificate, shall take the place of and be a substitute for the regular certificate of inspection, as required by this section and by section 404 of this title, and for the purposes of said sections. Such temporary certificate shall also be subject to revocation in the manner and under the conditions provided in section 435 of this title. No vessel required to be inspected under the provisions of title 52 of the Revised Statutes shall be navigated without having on board an unexpired regular certificate of such inspection or such temporary certificate: *Provided, however,* That any such vessel operated upon a regularly established line from a port of the United States to a port of a foreign country not contiguous to the United States whose certificate of inspection expires at sea or while said vessel is in a foreign port or a port of Hawaii may lawfully complete her voyage without the regular certificate of inspection or the temporary certificate required by this section, and no liability for penalties imposed by title 52 of the Revised Statutes for want of such certificate shall be incurred until her voyage shall have been completed: *Provided,* That said voyage shall be so completed within thirty days after the expiration of said certificate or temporary certificate: *Provided further,* That no such vessel whose certificate of inspection shall expire within fifteen days of the date of her sailing shall proceed upon her voyage to such port of a foreign country not contiguous to the United States without first having procured a new certificate of inspection or the temporary certificate required by this section.

Delegation of Functions

See Treasury Department Order CGFR 56-28 with 46 U.S.C. 391, page 85.

Placing of certificate for observation by passengers

46 U.S.C. 400 (R.S. 4423)

The original certificate of inspection delivered to the master or owner of a steam vessel shall be placed by such master or owner in a conspicuous place in the vessel where it will be most likely to be observed by passengers and others, and there kept at all times, framed under glass, as evidence of the authority thereby conferred: *Provided however,* That where it is not practicable to so expose said certificate, it shall be carried in the vessel in such manner as shall be prescribed by the regulations established by the Commandant of the Coast Guard.

Penalty for receiving passengers in absence of unexpired certificate of approval**46 U.S.C. 402 (R.S. 4424)**

Whenever any passenger is received on board any steam vessel not having an unexpired certificate of approval or an unexpired temporary certificate of approval placed and kept as required by sections 399 and 400 of this title, such steam vessel shall be liable to a penalty of \$100 for each offense.

Reinspections and notice for repairs; enforcement of requirements**46 U.S.C. 435 (R.S. 4453)**

In addition to the annual or biennial inspection, the head of the department in which the Coast Guard is operating shall require the Coast Guard to examine, at proper times, inspected vessels arriving and departing to and from their respective ports, so often as to enable them to detect any neglect to comply with the requirements of law, and also any defects or imperfections becoming apparent after the inspection aforesaid, and tending to render the navigation of such vessels unsafe; and if there shall be discovered any omission to comply with the law, or that repairs have become necessary to make such vessel safe, the master shall at once be notified in writing as to what is required. All inspections and orders for repair shall be made promptly. When it can be done safely, repairs may be permitted to be made where those interested can most conveniently do them. And whenever it is ascertained that any vessel subject to the provisions of this title or Acts amendatory or supplementary thereto, has been or is being navigated or operated without complying with the terms of the vessel's certificate of inspection regarding the number and class of licensed officers and crew, or without complying with the provisions of law and her said certificate as to the number or kind of life-saving or firefighting apparatus, or without maintaining in good and efficient condition her lifeboats, fire pumps, fire hose, and life preservers, or that for any other reason said vessel cannot be operated with safety to life, the owner or master of said vessel shall be ordered to correct such unlawful conditions, and the vessel may be required to cease navigating at once and to submit to reinspection; and in case the said orders shall not at once be complied with, the vessel's certificate of inspection shall be revoked, and the owner, master, or agent of said vessel shall immediately be given notice, in writing, of such revocation; and no new certificate of inspection shall be again issued to her until the provisions of this title or Acts amendatory or supplementary thereto have been complied with. Any vessel subject to provisions of this title or Acts amendatory or supplementary thereto operating or navigating or attempting to operate or navigate after the revocation of her certificate of inspection and before the issuance of a new certificate, shall, upon application by a department or agency charged with the enforcement of such title or Acts, to any district court of the United States having jurisdiction, and by proper order or action of said court in the premises, be seized summarily by way of libel

and held without privilege of release by bail or bond until a proper certificate of inspection shall have been issued to said vessel: *Provided*, That the owner, master, or person in charge of any vessel whose certificate shall have been so revoked may within thirty days after receiving notice of such revocation appeal to the head of the department in which the Coast Guard is operating for a reexamination of the case, and upon such appeal the said head of the department shall have power to revise, modify, or set aside such action of revocation, and direct the issuance to such vessel of her original certificate or of a new certificate of inspection; and in case the said head of the department shall so direct the issuance of a certificate, all judicial process against said vessel based on this section shall thereupon be of no further force or effect, and the vessel shall thereupon be released.

Delegation of Functions

See Treasury Department Order CGFR 56-28 with 46 U.S.C. 391, page 85.

Penalty for failure to make repairs on notice

46 U.S.C. 436 (R.S. 4454)

If any master or owner of any inspected vessel shall refuse or neglect to comply with the requirements of the examining official, made in pursuance of section 435 of this title, and shall, contrary thereto and while the same remains unreversed, employ the vessel by navigating her, the master and owner shall be liable to a penalty of \$500 for each offense, one-half for the use of the informer; for which sum the vessel itself shall be liable, and may be seized and proceeded against by libel in any district court having jurisdiction; and the master and owner, and the vessel itself, shall, in addition thereto, be liable for any damage to passengers and their baggage, which shall occur from any defects as stated in the notice prescribed by section 435 of this title.

Special permit for excursions

46 U.S.C. 453 (R.S. 4466)

If any passenger vessel engages in excursions, the Coast Guard officials shall issue to such vessel a special permit, in writing, for the occasion, in which shall be stated the additional number of passengers that may be carried and the number and kind of lifesaving appliances that shall be provided for the safety of such additional passengers; and they shall also, in their discretion, limit the route and distance for such excursions: *Provided, however*, That the issuance of such special permit shall be reported by the Coast Guard officials to the Commandant of the Coast Guard, and such special permit shall not be effective until approved by the said Commandant of the Coast Guard.

Vessels on Great Lakes carrying persons not passengers

46 U.S.C. 458

Any steam vessel engaged in the business of towing vessels, rafts, or water craft of any kind, also steam vessels engaged in oyster

dredging and planting, and fishing steamers engaged in food fishing on the Great Lakes and all other inland waters of the United States, and not carrying passengers, may be authorized and licensed by the Coast Guard to carry on board such number of persons, in addition to its crew, as the Coast Guard, in its judgment, shall deem necessary to carry on the legitimate business of such towing, oyster and fishing steamers, not exceeding, however, one person to every net ton of measurement of said steamer: *Provided, however*. That the person so allowed to be carried shall not be carried for hire.

Life preservers

46 U.S.C. 459

Every steam vessel licensed under section 458 of this title shall carry and have on board, in accessible places, one life preserver for every person allowed to be carried, in addition to those provided for the crew of such vessel.

Space and accommodations for crew; hospital compartments

46 U.S.C. 660-1

On all merchant vessels of the United States the construction of which shall be begun after March 4, 1915, except yachts, pilot boats, or vessels of less than one hundred tons register, every place appropriated to the crew of the vessel shall have a space of not less than one hundred and twenty cubic feet and not less than sixteen square feet, measured on the floor or deck of that place, for each seaman or apprentice lodged therein, and each seaman shall have a separate berth and not more than one berth shall be placed one above another; such place or lodging shall be securely constructed, properly lighted, drained, heated, and ventilated, properly protected from weather and sea, and, as far as practicable, properly shut off and protected from the effluvium of cargo or bilge water. And every such crew space shall be kept free from goods or stores not being the personal property of the crew occupying said place in use during the voyage.

In addition to the space allotment for lodgings provided in this section, on all merchant vessels of the United States which in the ordinary course of their trade make voyages of more than three days' duration between ports, and which carry a crew of twelve or more seamen, there shall be constructed a compartment, suitably separated from other spaces, for hospital purposes, and such compartment shall have at least one bunk for every twelve seamen, constituting her crew, provided that not more than six bunks shall be required in any case.

Every steamboat of the United States plying upon the Mississippi River or its tributaries shall furnish an appropriate place for the crew, which shall conform to the requirements of this section, so far as they are applicable thereto, by providing sleeping room in the engine room of such steamboat, properly protected from the cold, wind, and rain by means of suitable awnings or screens on either side of the guards or sides and forward, reaching from the boiler deck to the lower or main deck, under the direction and approval of the Commandant of the Coast Guard, and shall be properly heated.

All merchant vessels of the United States, the construction of which shall be begun after March 4, 1915, having more than ten men on deck must have at least one light, clean, and properly ventilated washing place. There shall be provided at least one washing outfit for every two men of the watch. The washing place shall be properly heated. A separate washing place shall be provided for the fireroom and engine-room men, if their number exceeds ten, which shall be large enough to accommodate at least one-sixth of them at the same time, and have hot and cold water supply and a sufficient number of washbasins, sinks, and shower baths.

Any failure to comply with this section shall subject the owner or owners of such vessel to a penalty of not less than \$50 nor more than \$500: *Provided*, That forecastles shall be fumigated at such intervals as may be provided by regulations to be issued by the Surgeon General of the Public Health Service, with the approval of the Coast Guard, and shall have at least two exits, one of which may be used in emergencies.

Inspection of crew quarters

46 U.S.C. 660a

(a) The Coast Guard shall inspect the crew quarters of every American vessel, at least once in each month, or at such times as such vessel shall enter an American port, and shall satisfy itself that such quarters are of the size required by law or regulation issued thereunder, are properly ventilated and in a clean and sanitary condition, and are equipped with the proper plumbing and mechanical appliances required by law or regulations issued thereunder, and that such plumbing and mechanical appliances are in good working order and condition.

(b) Whenever it shall be found that the crew quarters of any such vessel are not of the size required by law or regulations issued thereunder or are not properly ventilated or are not in a clean and sanitary condition or are not equipped with the proper plumbing and mechanical appliances required by law or regulations issued thereunder, or that such plumbing and mechanical appliances are not in good working order and condition, the appropriate Coast Guard official shall withdraw the certificate of inspection of such vessel and refuse to reissue the same until such improper conditions have been corrected; and the master or other licensed officer of such vessel who shall have willfully or negligently permitted such vessel to be in such improper condition shall be subject to a penalty of not more than \$500.

Inspection of crew quarters; exception as to unrigged vessels

46 U.S.C. 660b

The provisions of section 660a of this title shall not apply to unrigged vessels except seagoing barges.¹

¹ For definition of terms "unrigged vessels" and "seagoing barges" see 46 U.S.C. 672c, page 184.

Plans and specifications for construction or alteration of passenger vessels; examination and approval by Commandant of the Coast Guard

46 U.S.C. 369

(a) There shall be in the Coast Guard a technical staff, consisting of the Commandant and technical members who shall be selected for their knowledge, skill, and practical experience in designing and supervising the construction and operation of vessels propelled by machinery, and they shall be competent judges of the character, strength, stability, and safety qualities of such vessels and their equipment. Such technical members shall be appointed by the Commandant of the Coast Guard, without reference to the civil service laws and regulations. The Commandant of the Coast Guard with the advice and assistance of the technical staff so appointed shall pass upon all contract plans and specifications for passenger vessels of the United States of one hundred gross tons and over, propelled by machinery, as provided for by subsection (b) of this section, including the installation of tested and effective sprinkler systems, and upon arrangement plans for all material alterations to existing vessels. Such approval shall be given promptly and with due regard to the orderly progress of the work but only when the Commandant is satisfied, after a full and complete examination of the plans and specifications, that the vessel, when built or altered, as the case may be, can be navigated with safety to those on board. In case the said Commandant shall disapprove such plans and specifications, the person or persons submitting the same shall be apprised thereof the reasons for such disapproval and advised of the amendments necessary to secure such approval. The Commandant shall, at as early a date as practicable, and from time to time thereafter as he shall deem advisable, formulate and publish regulations and instructions for the guidance of builders of prospective vessels showing the safety characteristics of vessels which will meet the approval of the Commandant.

(b) No passenger vessel of the United States of one hundred gross tons and over, propelled by machinery, the construction or material alteration of which shall be begun subsequent to May 27, 1936, shall be granted a certificate of inspection by the Coast Guard unless the said general contract plans and specifications therefor shall have been submitted at least in triplicate to and approved by the aforesaid Commandant of the Coast Guard before the construction of such vessel or alteration thereof shall have been commenced; nor shall any such vessel, the said plans or specifications for which have been materially altered subsequent to such approval be granted a certificate, as aforesaid, unless such altered plans and specifications shall have been submitted at least in triplicate to and approved by the said Commandant, prior to such change in construction having been made. No such certificate shall be granted to any such vessel which has not been constructed and equipped in accordance with said plans and specifications approved as aforesaid: *Provided*, That approved plans and certificates of the American Bureau of Shipping classed vessels may be accepted by the Commandant as evidence of the structural efficiency

of the hull and the reliability of the machinery of such vessels, except as far as existing law places definite responsibility on the Coast Guard. The American Bureau of Shipping shall continue to function in connection with the Government, its bureaus, departments, boards, and commissions, as heretofore provided by section 881 of this title and as provided in sections 85-85g of this title or any similar act hereinafter enacted.

(c) Upon the approval by the said Commandant of the Coast Guard of the original or modified plans and specifications for any such vessel or for any subsequent alteration of such vessel, an endorsement to that effect, signed by the Commandant shall be placed upon such plans and specifications, and one copy thereof shall be delivered to the person or persons submitting the same. Whenever any Coast Guard official shall ascertain to his satisfaction that any such vessel does not conform in all material respects to said plans and specifications approved as aforesaid, he shall immediately report his conclusions to the aforesaid Commandant, setting forth the reasons for his belief; and if, after a preliminary examination of the facts of the case, the said Commandant shall be of the opinion that reasonable ground exists for believing the conclusions of such reporting officer to be correct, he shall notify the person or persons who submitted the said plans and specifications and the Coast Guard official who shall not issue the vessel's certificate of inspection until the discrepancy has been corrected to the satisfaction of the said Commandant. The final decision of the Commandant shall be reached with as little delay as the proper consideration of the question will permit. The owner of any vessel coming within the provisions of this act shall notify the Commandant of any material alterations proposed to be made on such vessel, and should any such alteration be made on such vessel before the plans and specifications for such alteration have received the approval of the said Commandant the owners shall, in addition to any suspension of the certificate of inspection which the Commandant may determine to be necessary, incur a penalty of \$500 for which the vessel shall be liable and which may be mitigated or remitted by the Commandant on such condition as he may deem proper.

(d) The words "plans and specifications" wherever used in this section shall be held to include prints of all general contract plans and copies of the specifications and other matters of a similar nature, as necessary to the purposes of this section for any vessel to which this section applies. The said plans and specifications of all passenger ships of one hundred gross tons and over shall specify for fire-retardant material in their construction so far as reasonable and practicable.

(e) Any person or persons who shall alter, deface, obliterate, remove, or destroy any plans or specifications approved as provided in this section, with intent to deceive or delay any officer of the United States in the discharge of his duties under this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be punished by a fine of not to exceed \$5,000 or by imprisonment for not to exceed five years, or by both such fine and imprisonment, in the discretion of the court.

Watertight bulkheads in lake steamers carrying passengers**46 U.S.C. 482 (R.S. 4490)**

Every seagoing steamer, and every steamer navigating the great northern or northwestern lakes, carrying passengers, the building of which shall be completed after August 28, 1871, shall have not less than three watertight cross bulkheads, such bulkheads to reach to the main deck in single-decked vessels, otherwise to the deck next below the main deck; to be made of iron plates, sustained upon suitable framework; and to be properly secured to the hull of the vessel. The position of such bulkheads and the strength of material of which the same shall be constructed shall be determined by the general rules of the Commandant of the Coast Guard.

Watertight bulkheads not required on certain steamers**46 U.S.C. 483**

Steam vessels of one hundred tons burden or under, engaged in the coastwise bays and harbors of the United States, may be licensed by the Coast Guard to carry passengers or excursions on the ocean or upon the Great Lakes of the North or Northwest, not exceeding fifteen miles from the mouth of such bays or harbors, without being required to have the three water-tight cross bulkheads provided by section 182 of this title for other passenger steamers: *Provided*, That in the judgment of the Coast Guard such steamers shall be safe and suitable for such navigation without danger to human life, and that they shall have one water-tight collision bulkhead not less than five feet abaft the stem of said steamer.

Number of passengers allowable**46 U.S.C. 451 (R.S. 4464)**

The Coast Guard officials shall state in every certificate of inspection granted to vessels carrying passengers, other than ferryboats, the number of passengers of each class that any such vessel has accommodation for and can carry with prudence and safety. The shall report their action to the Commandant of the Coast Guard, who may at any time order the number of such passengers decreased, giving his reasons therefor in writing, and thereupon the Coast Guard officials shall change the certificate of inspection of such vessel to conform with the decision of the Commandant of the Coast Guard. Whenever the allowance of passengers shall be increased by any Coast Guard officials such increase shall be reported to the Commandant of the Coast Guard, together with the reasons therefor, and such increase shall not become effective until the same has been approved in writing by the Commandant of the Coast Guard.

Penalty for carrying too many passengers**46 U.S.C. 452 (R.S. 4465)**

It shall not be lawful to take on board of any vessel a greater number of passengers than is stated in the certificate of inspection, and for every violation of this provision the master or owner shall

be liable to any person suing for the same to forfeit the amount of passage money and \$10 for each passenger beyond the number allowed.

The master or owner of the vessel, or either or any of them, who shall knowingly violate this provision shall be liable to a fine of not more than \$100 or imprisonment of not more than thirty days, or both.

Number of passengers cargo vessel may carry

46 U.S.C. 882

Cargo vessels documented under the laws of the United States may carry not to exceed sixteen persons in addition to the crew between any ports or places in the United States or its Districts, Territories, or possessions, or between any such port or place and any foreign port, or from any foreign port to another foreign port, and such vessels shall not be held to be "passenger vessels" or "vessels carrying passengers" within the meaning of the inspection laws and the rules and regulations thereunder: *Provided*, That nothing herein shall be taken to exempt such vessels from the laws, rules, and regulations respecting life-saving equipment: *Provided further*, That when any such vessel carries persons other than the crew as herein provided for, the owner, agent, or master of the vessel shall first notify such persons of the presence on board of any dangerous articles, as defined by law, or of any other condition or circumstance which would constitute a risk of safety for passenger or crew.

The privilege bestowed by this section on vessels of the United States shall be extended insofar as the foreign trade is concerned to the cargo vessels of any nation which allows the like privilege to cargo vessels of the United States in trades not restricted to vessels under its own flag.

Failure on the part of the owner, agent, or master of the vessel to give such notice shall subject the vessel to a penalty of \$500, which may be mitigated or remitted by the Commandant of the Coast Guard upon a proper representation of the facts.

Count or list of passengers

46 U.S.C. 460 (R.S. 4467)

The master of every passenger steamer shall keep a correct count of all the passengers received and delivered from day to day, which count shall be open to the inspection of the Coast Guard and officers of the customs at all times, and the aggregate number of passengers shall be furnished to the Coast Guard as often as called for: *Provided, however*, That a correct list of passengers received and delivered from day to day shall be kept, instead of a correct count, by the masters of seagoing passenger steamers in the coastwise trade and by the masters of passenger steamers on the Great Lakes on routes exceeding three hundred miles: *Provided further*, That nothing herein shall affect existing laws relative to vessels running between this country and foreign ports.

Count or list of passengers; exemption of certain vessels**46 U.S.C. 460a**

Notwithstanding any provision of law to the contrary, no collector of customs shall require the master or owner of a vessel arriving, otherwise than by sea, at a port or place in the United States on the Great Lakes, or their connecting or tributary waters, from a port or place in the Dominion of Canada to furnish a list of passengers on board such vessel.

Penalty for failure to keep list of passengers**46 U.S.C. 461 (R.S. 4468)**

Every master of any passenger steamer who fails, through negligence or design, to keep a count or list of passengers as required by section 460 of this title shall be liable to a penalty of \$100.

Recovery of penalties**46 U.S.C. 462 (R.S. 4469)**

The penalties imposed by sections 452 and 461 of this title shall be a lien upon the vessel in each case; but a bond may, as provided in other cases, be given to secure the satisfaction of the judgment.

Watchmen on passenger steamers**46 U.S.C. 470 (R.S. 4477)**

Every steamer carrying passengers during the nighttime shall keep a suitable number of watchmen in the cabins, and on each deck, to guard against fire or other dangers, and to give alarm in case of accident or disaster.

Punishment for failure to keep watchmen**46 U.S.C. 471 (R.S. 4478)**

For any neglect to keep the watchmen required by section 470 of this title, the license of the officer in charge of the vessel for the time being shall be revoked; and every owner of such vessel who neglects or refuses to furnish the number of men necessary to keep watch as required, shall be fined \$1,000.

Steering, navigating, and signaling apparatus**46 U.S.C. 473 (R.S. 4480)**

Every steamer carrying passengers shall be provided with such tiller ropes, tiller rods, or chains for the purpose of steering and navigating the vessel, and such bell pulls for signaling the engineer from the pilothouse, and such tubes or other arrangement to repeat back the signal to the pilothouse, as may be prescribed by the Commandant of the Coast Guard.

Stairways and gangways on steamers**46 U.S.C. 477 (R.S. 4484)**

Every steam vessel described in section 481 of this title carrying passengers on the main deck shall be provided with permanent stair-

ways and other sufficient means, convenient to the passengers, for their escape to the upper deck, in case of the vessel sinking or of other accident endangering life; and in the stowage of freight upon such deck, where passengers are carried, gangways or passages, sufficiently large to allow persons to pass freely through them, shall be left open both fore and aft of the vessel, and also to and along the guards on each side.

Accommodation of deck passengers

46 U.S.C. 478 (R.S. 4485)

The captain or mate of every steam vessel described in section 481 of this title carrying passengers upon the main deck shall assign to all deck passengers, when taking passage, the space on deck they may occupy during the voyage, and such space shall not thereafter be occupied by freight, nor overcrowded by other persons, nor shall freight be stowed about the boilers or machinery, in such a manner as to obstruct or prevent the engineer from readily attending to his duties.

Penalty for not providing proper accommodations for passengers

46 U.S.C. 479 (R.S. 4486)

For every violation of the provisions of sections 477 and 478 of this title the owners of the vessel shall be punished by a fine of \$300.

River steamers to be anchored when navigation is unsafe

46 U.S.C. 480 (R.S. 4487)

On any steamer navigating rivers only, when, from darkness, fog, or other cause, the pilot or watch shall be of opinion that the navigation is unsafe, or, from accident to or derangement of the machinery of the boat, the chief engineer shall be of the opinion that the further navigation of the vessel is unsafe, the vessel shall be brought to anchor, or moored as soon as it can prudently be done : *Provided*, That if the person in command shall, after being so admonished by either of such officers, elect to pursue such voyage, he may do the same; but in such case both he and the owners of such steamer shall be answerable for all damages which shall arise to the person of any passenger, or his baggage, from such causes in so pursuing the voyage, and no degree of care or diligence shall in such case be held to justify or excuse the person in command, or the owners.

Liability of master and owners for damage to passengers

46 U.S.C. 491 (R.S. 4493)

Whenever damage is sustained by any passenger or his baggage, from explosion, fire, collision, or other cause, the master and the owner of such vessel, or either of them, and the vessel shall be liable to each and every person so injured, to the full amount of damage if it happens through any neglect, or failure to comply with the provisions of title 52 of the Revised Statutes, or through known defects or imperfections of the steaming apparatus or of the hull; and any person sustaining loss, or injury through the carelessness, negligence,

or willful misconduct of any master, mate, engineer, or pilot, or his neglect or refusal to obey the laws governing the navigation of such steamers, may sue such master, mate, engineer, or pilot, and recover damages for any such injury caused by any such master, mate, engineer, or pilot.

Discharge of petroleum at terminal ports

46 U.S.C. 467 (R.S. 4474)

When crude petroleum of a flash point not less than one hundred and fifty degrees Fahrenheit is carried in the double-bottom fuel tanks of steamers using the same for fuel, the crude petroleum carried in such tanks in excess of the necessities of the voyage may be discharged at terminal ports when no passengers are on board the ship. Crude petroleum carried and discharged under these conditions will not be considered stores or cargo within the contemplation of section 170 of this title, and will be considered as only for use as fuel within the contemplation of section 391a(1) of this title.

SUBCHAPTER 3C.—MARINE ENGINEERING REQUIREMENTS

Regulatory powers of Commandant of the Coast Guard as to boilers, etc.**46 U.S.C. 411 (R.S. 4433)**

The Commandant of the Coast Guard is empowered to prescribe formulas, rules, and regulations for the design, material, and construction of boilers, unfired pressure vessels, and appurtenances thereof, and steam piping for use on vessels subject to the provisions of this Act. The maximum working pressure shall be determined by formulas prescribed by the Commandant of the Coast Guard and no such boiler, pressure vessel, or appurtenance thereof shall be designed or operated where the factor of safety is less than four: *Provided*, That the minimum thickness and maximum allowable working pressure of valves, fittings, and other appurtenances shall be determined by formulas prescribed by the Commandant of the Coast Guard. (*June 13, 1933.*)

Construction of boilers and unfired pressure vessels**46 U.S.C. 406 (R.S. 4428)**

All boilers and unfired pressure vessels constructed of iron or steel plates or other approved metals for use on vessels subject to inspection shall be made of material that has been tested, inspected, and stamped in accordance with the requirements of this Act.

Punishment for improper construction**46 U.S.C. 407 (R.S. 4429)**

Any person, firm, or corporation who constructs a boiler, or steam pipe connecting the boilers, or an unfired pressure vessel for use on vessels subject to inspection, of iron or steel plates or other approved metals which have not been duly tested, inspected, and stamped according to the provisions of this Act and the requirements of the Commandant of the Coast Guard; or who knowingly uses any defective material in the construction of such boiler, steam pipe, or pressure vessel; or who drifts any rivet hole to make it come fair; or who delivers any such boiler, steam pipe, or pressure vessel for use, knowing it to be defective in design, material, or construction, shall be fined \$1,000. Nothing in this Act shall be so construed as to prevent from being used on such vessels any boiler, steam generator, steam pipe, or unfired pressure vessel which may not be constructed of riveted iron or steel plates: *Provided*, That scientific data and facts are submitted to enable the Commandant of the Coast Guard to satisfy himself that such boiler, steam generator, or pressure vessel is equal in strength and as safe from explosion as one of the best quality of iron or steel plates of riveted construction: *Provided, however*, That the Commandant of the Coast Guard may grant permission to use any boiler, steam generator, or unfired pressure vessel not of iron or steel plate riveted construction upon the certificate of the Coast Guard official for the district wherein such boiler, steam generator, or pressure vessel is to be used, and other satisfactory proof that the use of the same is safe and efficient, said permit to be valid until the Commandant of

the Coast Guard acts thereon: *Provided further*, That such boilers, steam generators, or pressure vessels may be constructed with seamless shells or by means of any approved method of welding governed by the rules and regulations prescribed by the Commandant of the Coast Guard.

Boilerplates

46 U.S.C. 408 (R.S. 4430)

All iron or steel plates, or other material used in the construction of boilers or unfired pressure vessels for use on vessels subject to inspection shall be tested and inspected in such manner as shall be prescribed by the Commandant of the Coast Guard, so as to enable the Coast Guard to ascertain the tensile strength, homogeneity, toughness, and ability to withstand the effect of repeated heating and cooling; and no plate or other material shall be used in the construction of such boilers or pressure vessels which has not been tested, inspected, and approved under the rules and regulations of the Commandant of the Coast Guard: *Provided, however*, That small unfired pressure vessels having diameters not exceeding thirty inches and subject to a maximum allowable working pressure not exceeding one hundred pounds per square inch shall be exempt from this requirement.

The Commandant of the Coast Guard may detail Coast Guard officials to inspect iron or steel plates or other material at the mills where the same are manufactured; and if such plates or material are found in accordance with the rules of the Commandant of the Coast Guard, the Coast Guard official shall stamp the same with the initials of his name and the official stamp of the Coast Guard, which stamp shall be authorized by the Commandant; and material so stamped shall be accepted by the Coast Guard officials of the various districts as being in full compliance with the requirements of this section regarding the test and inspection of such plates and material: *Provided*, That any person, firm, or corporation who affixes any false, forged, fraudulent, spurious, or counterfeit of the stamp herein authorized to be put on by a Coast Guard official shall be deemed guilty of a felony and shall be fined not less than \$1,000 nor more than \$5,000 and imprisoned not less than two years nor more than five years.

Thickness of boilerplate

46 U.S.C. 412 (R.S. 4434)

The maximum allowable thickness of shell plates and the details of material, design, and construction of externally fired boilers shall be determined by action of the Commandant of the Coast Guard.

Stamping boilerplates

46 U.S.C. 409 (R.S. 4431)

Every plate of iron or steel, made for use in the construction of boilers, unfired pressure vessels, or riveted steam pipe shall be distinctly and permanently stamped by the manufacturer thereof, and, if practicable, in such places that the marks shall be left visible when such plates are assembled, with the name of the manufacturer,

and the minimum tensile strength in pounds per square inch, and the Coast Guard officials shall keep a record in their office of the stamps upon all plates, material, and boilers which they inspect.

Counterfeiting stamps

46 U.S.C. 410 (R.S. 4432)

Any person, firm, or corporation who counterfeits, or causes to be counterfeited, any of the marks or stamps prescribed for iron or steel plates or other material tested and inspected under this Act, or who designedly stamps, or causes to be stamped falsely, any such plates or material; and every person who stamps or marks, or causes to be stamped or marked, any such plates or material with the name or trade-mark of another, with the intent to mislead or deceive, shall be fined \$2,000, and may in addition thereto, at the discretion of the court, be imprisoned not exceeding two years.

Obstructing safety valves

46 U.S.C. 413 (R.S. 4437)

Every person who intentionally loads or obstructs, or causes to be loaded or obstructed, in any way or manner, the safety valve of a boiler, or who employs any other means or device whereby the boiler may be subjected to a greater pressure than the amount allowed by the certificate of the Coast Guard, or who intentionally deranges or hinders the operation of any machinery or device employed to denote the state of the water or steam in any boiler, or to give warning of approaching danger, or who intentionally permits the water to fall below the prescribed low-water line of the boiler, and every person concerned therein, directly or indirectly, shall be guilty of a misdemeanor, and shall be fined \$200, and may also be imprisoned not exceeding five years.

Control of safety valves and steam gauges

46 U.S.C. 393 (R.S. 4419)

One of the safety valves may, if in the opinion of the Coast Guard it is necessary to do so, and the steam gauges shall, be taken wholly from the control of all persons engaged in navigating such vessel and secured by the Coast Guard.

SUBCHAPTER 3D.—MODE, MANNER, AND EXTENT OF INSPECTIONS
OF SMALL PASSENGER-CARRYING VESSELS**Definitions (Small passenger-carrying vessels)****46 U.S.C. 390**

When used in sections 390–390g, 404, and 526f of this title, unless the context requires otherwise—

(a) the term “passenger” means every person carried on board a passenger-carrying vessel other than—

(1) the owner or his representative;

(2) the master and the bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services;

(3) any employee of the owner of the vessel engaged in the business of the owner, except when the vessel is operating under a bareboat charter;

(4) any employee of the bareboat charterer of the vessel engaged in the business of the bareboat charterer;

(5) any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for his carriage; or

(6) any person on board a vessel documented and used for tugboat or towboat service of fifty gross tons or more who has not contributed any consideration, directly or indirectly, for his carriage.

(b) The term “passenger-carrying vessel” means any vessel which carries more than six passengers, and which is (1) propelled in whole or in part by steam or by any form of mechanical or electrical power and is of fifteen gross tons or less; (2) propelled in whole or in part by steam or by any form of mechanical or electrical power and is of more than fifteen and less than one hundred gross tons and not more than sixty-five feet in length measured from end to end over the deck excluding sheer; (3) propelled by sail and is of seven hundred gross tons or less; or (4) non-self-propelled and is of one hundred gross tons or less; except any public vessel of the United States or of any foreign state, or any life boat forming part of a vessel’s lifesaving equipment. The term includes (1) any domestic vessel operating on the navigable waters of the United States, or on the high seas outside of those waters and within the normal operating range of the vessel, and (2) any foreign vessel departing from a port of the United States.

(c) The term “International Convention for Safety of Life at Sea” means the “International Convention for Safety of Life at Sea, 1948” or any similar international convention which comes into force and effect after ratification by the United States Senate.

(d) The term “Secretary” means the Secretary of the department in which the Coast Guard is operating.

Inspection**46 U.S.C. 390a**

(a) The Secretary shall, at least once every three years, cause to be inspected each passenger-carrying vessel, and shall satisfy him-

self that every such vessel (1) is of a structure suitable for the service in which it is to be employed; (2) is equipped with the proper appliances for lifesaving and fire protection in accordance with applicable laws, or rules and regulations prescribed by him; (3) has suitable accommodations for passengers and the crew; and (4) is in a condition to warrant the belief that it may be used, operated, and navigated with safety to life in the proposed service and that all applicable requirements of marine safety statutes and regulations thereunder are faithfully complied with.

(b) The Secretary may prescribe reasonable fees or charges for (1) any inspection made and (2) any certificate, license, or permit issued pursuant to sections 390-390g, 404, and 526f of this title or under the rules and regulations established hereunder.

Rules and regulations

46 U.S.C. 390b

In order to secure effective provision against hazard to life created by passenger-carrying vessels and to carry out in the most effective manner the provisions of sections 390-390g, 404, and 526f of this title, the Secretary shall prescribe such rules and regulations as may be necessary with respect to design, construction, alteration, or repair of such vessels, including the superstructures, hulls, accommodations for passengers and crew, fittings, equipment, appliances, propulsive machinery, auxiliary machinery, and boilers; with respect to all materials used in construction, alteration, or repair of such vessels including the fire prevention and fire retardant characteristics of such materials; with respect to equipment and appliances for lifesaving and fire protection; with respect to the operation of such vessels, including the waters in which they may be navigated and the number of passengers which they may carry; with respect to the requirements of the manning of such vessels and the duties and qualifications of the operators and crews thereof; and with respect to the inspection of any or all the foregoing.

Certificate of inspection

46 U.S.C. 390c

(a) No passenger-carrying vessel shall be operated or navigated until a certificate of inspection in such form as may be prescribed by the regulations promulgated by the Secretary under the authority of sections 390-390g, 404, and 526f of this title, has been issued to the vessel indicating that the vessel is in compliance with the provisions of said sections, and the rules and regulations established hereunder; except that when a foreign passenger-carrying vessel belongs to a nation which is signatory to the International Convention for Safety of Life at Sea, a valid safety certificate issued to the vessel pursuant to the Convention may be accepted in lieu of the required certificate of inspection.

(b) Any passenger-carrying vessel to which a valid certificate of inspection has been issued pursuant to this section shall during the tenure of the certificate be in full compliance with the terms of the certificate.

(c) A certificate of inspection issued pursuant to this section may at any time be voluntarily surrendered and shall be withdrawn and suspended or revoked for noncompliance with any applicable requirements of sections 390-390g, 404, and 526f of this title or regulations thereunder.

Violations; penalty; liability; jurisdiction

46 U.S.C. 390d

Any owner, master, or person in charge of any vessel subject to sections 390-390g, 404, and 526f of this title who violates the provisions of said sections, or the rules and regulations established hereunder, shall be liable to the United States in a penalty of not more than \$1,000 for each such violation, for which sum the passenger-carrying vessel shall be liable and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the violation.

International Convention requirements unaffected

46 U.S.C. 390e

Nothing contained in sections 390-390g, 404, and 526f of this title shall be deemed to amend, alter, or otherwise affect the requirements of any International Convention for Safety of Life at Sea.

Delegation of Functions

The following Treasury Department Order 167-20 (21 F.R. 4894) was issued by the Acting Secretary of the Treasury under date of June 18, 1956:

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 and 14 U.S.C. 631, there are transferred to the Commandant, U.S. Coast Guard, the functions of the Secretary of the Treasury under the act of May 10, 1956 (Public Law 519, 84th Cong., Sec. 3, 70 Stat. 152; 46 U.S.C. 390-390g, 404) an act which related to the inspection of certain vessels carrying passengers.

The Commandant may make provision for the performance by subordinates in the Coast Guard of any of the functions transferred except the functions of prescribing fees, charges, rules, and regulations.

**SUBCHAPTER 3E.—MODE, MANNER, AND EXTENT OF INSPECTIONS
OF CIVILIAN NAUTICAL SCHOOLS****Civilian nautical school defined****46 U.S.C. 1331**

As used in sections 1331–1334 of this title the term “civilian nautical school” means any school or branch thereof operated and conducted in the United States (except State nautical schools and schools operated by the United States or any agency thereof), which offers to persons quartered on board any vessel instruction for the primary purpose of training for service in the merchant marine.

Examination and inspection; ratings**46 U.S.C. 1332**

Every civilian nautical school shall be subject to examination and inspection by the Secretary of Commerce and the Secretary may, under such rules and regulations as he may prescribe, provide for the rating and certification of such schools as to the adequacy of the course of instruction, the competency of the instructors, and the suitability of equipment used by or in connection with such schools.

Inspection of vessels**46 U.S.C. 1333**

(a) All laws covering the inspection of passenger vessels in effect on the date of enactment of this Act are hereby made applicable to all vessels or other floating equipment used by or in connection with any civilian nautical school, whether such vessels or other floating equipment are being navigated or not, to such extent and upon such conditions as may be required by regulations prescribed by the Commandant of the Coast Guard.

(b) The Commandant of the Coast Guard is authorized and directed to prescribe minimum standards for the size, ventilation, plumbing, and sanitation of quarters assigned to members of the crew, passengers, cadets, students, instructors, or any other persons at any time quartered on board any vessel used by or in connection with any civilian nautical school.

(c) No certificate of inspection shall be issued to any such vessel until and unless the Coast Guard has found such vessel to be in compliance with all the requirements of this section and the regulations issued thereunder. Such certificates shall be subject to revocation in the manner prescribed by section 435 of this title.

(d) On and after ninety days from June 12, 1940, it shall be unlawful for any vessel to which sections 1331–1334 of this title apply to be used by or in connection with any civilian nautical school unless it is in possession of a valid, unexpired certificate of inspection, or a valid, unexpired temporary certificate of inspection.

(e) In case of the violation of this section or of any of the regulations issued thereunder by any vessel, or any owner or officer thereof, such vessel, owner, or officer shall be fined not more than \$1,000, and such owner or officer may be imprisoned for not more than one year,

or subjected to both fine and imprisonment. Should the owner of such vessel be a corporation, organization, or association, each officer or director participating in the violation shall be liable to the penalty hereinabove prescribed.

Navy and Coast Guard vessels used by civilian nautical schools

46 U.S.C. 1334

The provisions of section 1333 of this title shall not apply to vessels of the Navy or the Coast Guard used by or in connection with civilian nautical schools.

SUBCHAPTER 3F.—TRANSPORTATION OF STEERAGE PASSENGERS

Accommodations for steerage passengers in vessels from foreign ports**46 U.S.C. 151**

It shall not be lawful for the master of any vessel whereon steerage passengers have been taken at any port or place in the foreign country or dominion (ports and places in foreign territory contiguous to the United States excepted) to bring such vessel and passengers to or take from any port or place in the United States unless the compartments, spaces, and accommodations hereinafter mentioned have been provided, allotted, maintained, and used for and by such passengers during the entire voyage, unobstructed by cargo, stores, or goods. The master of a vessel coming to a port or place in the United States in violation of any of the provisions of this section shall be deemed guilty of a misdemeanor; and if the number of steerage passengers carried or brought in the vessel, or in any compartment, space, poop, or deck house thereof, is greater than the number allowed to be carried, or brought therein, respectively, as hereinafter prescribed, the said master shall be fined \$50 for each and every such passenger in excess of the proper number, and may also be imprisoned not exceeding six months.

In computing the number of passengers carried or brought in any vessel, children under one year of age shall not be included, and two children between one and eight years of age shall be counted as one passenger; and any person brought in such vessel who shall have been, during the voyage, taken from any other vessel wrecked or in distress on the high seas, or have been picked up at sea from any boat, raft, or otherwise, shall not be included in such computation.

Second. The expression "steerage passenger" means all passengers except cabin passengers, and persons shall not be deemed cabin passengers unless the space allotted to their exclusive use is in the proportion of at least thirty-six clear superficial feet to each passenger.

Third. The expression "lowest passenger deck" means the deck next below the water line; and the expression "passenger deck" includes every deck or portion of a deck which is above the lowest passenger deck, and is appropriated for passengers.

Fourth. A vessel shall not carry passengers, whether cabin or steerage passengers, on more than one deck below the water line.

Fifth. The height between that part of any deck on which steerage passengers are carried and the deck immediately above it shall not be less than six feet.

Sixth. No steerage passengers shall be carried on the lowest passenger deck unless it is efficiently lighted by side scuttles and otherwise to the satisfaction of the inspector.

Seventh. No greater number of steerage passengers shall be carried on the lowest passenger deck than in the proportion of one steerage passenger to every twenty-one clear superficial feet allotted to their use. If, however, the height between the lowest passenger deck and the deck immediately above it is less than seven feet, and the apertures, exclusive of side scuttles, through which light and air are admitted are less in size than in the proportion of three square feet to

every one hundred superficial feet of that deck, no greater number of steerage passengers shall be carried on that deck than in the proportion of one steerage passenger to every thirty clear superficial feet thereof, subject to the allowance for measurement of public rooms, lavatories, and bath rooms, if any, provided for by paragraph ten.

Eighth. No greater number of steerage passengers may be carried on a passenger deck than in the proportion of one steerage passenger to every eighteen clear superficial feet of deck allotted to their use, subject to the allowance for measurement of public rooms, lavatories, and bathrooms, if any, provided for by paragraph ten. If, however, the height between any passenger deck and the deck immediately above it be less than seven feet, no greater number of steerage passengers may be carried on that deck than in the proportion of one steerage passenger to every twenty-one clear superficial feet thereof, subject to the allowance for measurement of public rooms, lavatories, and bath rooms, if any provided for by paragraph ten.

Ninth. A vessel, whatever be the superficial space of the passenger decks and of the lowest passenger deck, shall not carry a greater number of steerage passengers on the whole than in the proportion of one steerage passenger to every five superficial feet of air or promenade space provided on a deck so open as not to be included in the tonnage and approved by the inspector, and this space shall not be counted or included in the area available for any other passengers, or in other areas for steerage passengers prescribed by this section.

Tenth. In the measurement of the passenger decks and of the lowest passenger deck, the space occupied by that part of the personal baggage of the steerage passengers which the inspector permits to be carried there shall be included, and also, on whatever deck located, commodious and suitable dining rooms, lounging rooms, smoking rooms, lavatories, toilet rooms, and bath rooms: *Provided*, That—

(a) The space in any place appropriated to the use of steerage passengers in which they sleep shall not be less than eighteen superficial feet in the case of the lowest passenger deck and fifteen superficial feet in the case of a passenger deck.

(b) Each space so included in the measurement must be clearly marked to the satisfaction of the inspector as being exclusively appropriated for the use of the steerage passengers.

Eleventh. Each separate compartment in which steerage passengers are berthed shall be conspicuously marked, showing the total area of such compartments.

Berths for passengers

46 U.S.C. 152

In every such steamship or other vessel there shall be a sufficient number of berths for the proper accommodation as hereinafter provided, of all such passengers. There shall not be on any deck nor in any compartment or space occupied by such passengers more than two tiers of berths. The berths shall be properly constructed, and be separated from each other by partitions, as berths ordinarily are separated, and each berth shall be at least two feet in width and six feet in length; and the interval between the floor or lowest part

of the lower tier of berths and the deck beneath them shall not be less than six inches, nor the interval between each tier of berths, and the interval between the uppermost tier and the deck above it less than two feet, six inches; and each berth shall be occupied by not more than one passenger over eight years of age; but double berths of twice the above-mentioned width may be provided, each double berth to be occupied by no more and by none other than two women, or by one woman and two children under the age of eight years, or by husband and wife, or by a man and two of his own children under the age of eight years, or by two men personally acquainted with each other. All the male passengers upwards of fourteen years of age who do not occupy berths with their wives shall be berthed in the fore part of the vessel, in a compartment divided off from the space or spaces appropriated to the other passengers by a substantial and well-secured bulkhead. Unmarried female passengers shall be berthed in a compartment separated from the spaces occupied by other passengers by a substantial and well-constructed bulkhead, the opening or communication from which to an adjoining passenger space shall be so constructed that it can be closed and secured. Families shall not be separated except with their consent. Each berth shall be numbered serially, on the outside berth board, according to the number of passengers that may lawfully occupy the berth; and the berths occupied by such passengers shall not be removed or taken down until the expiration of twelve hours from the time of entry, unless previously inspected within a shorter period. For any violation of either of the provisions of this section the master of the vessel shall be liable to a fine of \$5 for each passenger carried or brought on the vessel.

Light, air, and accommodations, passengers

46 U.S.C. 153

Every such steamship or other vessel shall have adequate provisions for affording light and air to the passenger decks and to the compartments and spaces occupied by such passengers, and with adequate means and appliances for ventilating the said compartments and spaces. To compartments having sufficient space for fifty or more of such passengers at least two ventilators, each not less than twelve inches in diameter, shall be provided, one of which ventilators shall be inserted in the forward part of the compartment and the other in the after part thereof, and shall be so constructed as to ventilate the compartment; and additional ventilators shall be provided for each compartment in the proportion of two ventilators for each additional fifty of such passengers carried or brought in the compartment. All ventilators shall be carried at least six feet above the uppermost deck of the vessel and shall be of the most approved form and construction. In any steamship the ventilating apparatus provided, or any method of ventilation adopted thereon, which has been approved by the proper emigration officers at the port or place from which said vessel was cleared, shall be deemed a compliance with the foregoing provisions; and in all vessels carrying or bringing such passengers there shall be properly constructed hatchways over the compartments or spaces occupied by such passengers,

which hatchway shall be properly covered with houses or booby hatches, and the combings or sills of which shall rise at least six inches above the deck; and there shall be proper companionways or ladders from each hatchway leading to the compartments or spaces occupied by such passengers; and the said companionways or ladders shall be securely constructed, and be provided with handrails or strong rope, and, when the weather will permit, such passengers shall have the use of each hatchway situated over the compartments or spaces appropriated to their use; and every vessel carrying or bringing such passengers shall have a properly located and constructed caboose and cooking range, or other cooking apparatus, the dimensions and capacity of which shall be sufficient to provide for properly cooking and preparing the food of all such passengers. In every vessel carrying or bringing such passengers there shall be at least two water closets or privies and an additional water closet or privy for every one hundred male passengers on board, for the exclusive use of such male passengers, and an additional water closet or privy for every fifty female passengers on board, for the exclusive use of the female passengers and young children on board. The aforesaid water closets and privies shall be properly enclosed and located on each side of the vessel and shall be separated from passengers' spaces by substantial and properly constructed partitions or bulkheads; and the water closets and privies shall be kept and maintained in a serviceable and cleanly condition throughout the voyage. For any violation of either of the provisions of this section or for any neglect to conform to the requirements thereof, the master of the vessel shall be liable to a penalty not exceeding \$250.

Food

46 U.S.C. 154

An allowance of good, wholesome, and proper food, with a reasonable quantity of fresh provisions, which food shall be equal in value to one and a half Navy rations of the United States, and of fresh water, not less than four quarts per day, shall be furnished each of such passengers. Three meals shall be served daily, at regular and stated hours, of which hours sufficient notice shall be given. If any such passengers shall at any time during the voyage be put on short allowance for food and water, the master of the vessel shall pay to each passenger three dollars for each and every day the passenger may have been put on short allowance, except in case of accidents, where the captain is obliged to put the passengers on short allowance. Mothers with infants and young children shall be furnished the necessary quantity of wholesome milk or condensed milk for the sustenance of the latter. Tables and seats shall be provided for the use of passengers at regular meals. For every willful violation of any of the provisions of this section the master of the vessel shall be deemed guilty of a misdemeanor and shall be fined not more than \$500, and be imprisoned for a term not exceeding six months. The enforcement of this penalty, however, shall not affect the civil responsibility of the master and owners of the vessel to such passengers as may have suffered from any negligence, breach of contract, or default on the part of such master and owners.

Hospitals, surgeon, and medicine**46 U.S.C. 155**

In every such steamship or other vessel there shall be properly built and secured, or divided off from other spaces, two compartments or spaces to be used exclusively as hospitals for such passengers, one for men and the other for women. The hospitals shall be located in a space not below the deck next below the main deck of the vessel. The hospital spaces shall in no case be less than in the proportion of eighteen clear superficial feet for every fifty such passengers who are carried or brought on the vessel, and such hospitals shall be supplied with proper beds, bedding, and utensils, and be kept so supplied throughout the voyage. And every steamship or other vessel carrying or bringing emigrant passengers, or passengers other than cabin passengers, exceeding fifty in number, shall carry a duly qualified and competent surgeon or medical practitioner, who shall be rated as such in the ship's articles, and who shall be provided with surgical instruments, medical comforts, and medicines proper and necessary for diseases and accidents incident to sea voyages, and for the proper medical treatment of such passengers during the voyage, and with such articles of food and nourishment as may be proper and necessary for preserving the health of infants and young children; and the services of such surgeon or medical practitioner shall be promptly given, in any case of sickness or disease, to any of the passengers, or to any infant or young child of any such passengers, who may need his services. For a violation of either of the provisions of this section the master of the vessel shall be liable to a penalty not exceeding \$250.

Discipline and cleanliness; space for exercise of passengers ¹**46 U.S.C. 156**

The master of every such steamship or other vessel is authorized to maintain good discipline and such habits of cleanliness among such passengers as will tend to the preservation and promotion of health, and to that end he shall cause such regulations as he may adopt for such purpose to be posted up on board the vessel, in a place or places accessible to such passengers, and shall keep the same so posted up during the voyage. The said master shall cause the compartments and spaces provided for, or occupied by, such passengers to be kept at all times in a clean and healthy condition, and to be, as often as may be necessary, disinfected with chloride of lime, or by some other equally efficient disinfectant. Whenever the state of the weather will permit, such passengers and their bedding shall be mustered on deck, and a clear and sufficient space on the main or any upper deck of the vessel shall be set apart, and so kept, for the use and exercise of such passengers during the voyage. For each neglect or violation of any of the provisions of this section the master of the vessel shall be liable to a penalty not exceeding \$250.

¹ Applies only to vessels carrying steerage passengers.

Boarding vessel on arrival; passenger lists ¹**46 U.S.C. 158**

It shall not be lawful for the master of any such steamship or other vessel, not in distress, after the arrival of the vessel within any collection district of the United States, to allow any person or persons except a pilot, officer of the customs, or health officer, agents of the vessel, and consuls, to come on board of the vessel, or to leave the vessel, until the vessel has been taken in charge by an officer of the customs, nor, after charge so taken, without leave of such officer, until all the passengers, with their baggage, have been duly landed from the vessel. On the arrival of any such steamship or other vessel within any collection district of the United States, the master shall submit for inspection to the officer of customs who first makes demand therefor, and shall subsequently deliver with his manifest of cargo on entry, a correct list, signed and verified on oath by the master, of all passengers taken on board the vessel at any foreign port or place, specifying, in the manner to be prescribed from time to time by the Commissioner of Customs, the name of each passenger, age (if a child of eight years or under), sex, married or single, location of compartment or space occupied during the voyage (if the passenger be other than a cabin passenger), whether a citizen of the United States, number of pieces of baggage, and if any passenger die on the voyage the list shall specify the name, age, and cause of death of each deceased passenger. For a violation of either of the provisions of this section, or for permitting or neglecting to prevent a violation thereof, the master of the vessel shall be liable to a fine not exceeding \$1,000.

Death of passengers; payment to collector for**46 U.S.C. 159**

In case there shall have occurred on board any such steamship or other vessel any death among such passengers during the voyage, the master or consignees of the vessel shall, within forty-eight hours after the arrival of the vessel within a collection district of the United States, or within twenty-four hours after the entry of the vessel, pay to the collector of customs of such district the sum of \$10 for each and every such passenger above the age of eight years who shall have died on the voyage by natural disease; and the master or consignees of any vessel who neglect or refuse to pay such collector, within the times described, the sums of money aforesaid, shall be liable to a penalty of \$50 in addition to the sum required to be paid as aforesaid for each passenger whose death occurred on the voyage. All sums of money paid to any collector under the provisions of this section shall be by him paid into the Treasury of the United States in such manner and under such regulations as shall be prescribed by the Secretary of the Treasury.

Visiting parts of vessel occupied by passengers**46 U.S.C. 157**

Neither the officers, seamen, nor other persons employed on any such steamship or other vessel shall visit or frequent any part of the

¹ Applies only to vessels carrying steerage passengers.

vessel provided or assigned to the use of such passengers, except by the direction or permission of the master of such vessel first made or given for such purpose; and every officer, seaman, or other person employed on board of such vessel who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and may be fined not exceeding one hundred dollars, and be imprisoned not exceeding twenty days, for each violation; and the master of such vessel who directs or permits any officer, seaman, or other person employed on board the vessel to visit or frequent any part of the vessel provided for or assigned to the use of such passengers, or the compartments or spaces occupied by such passengers, except for the purpose of doing or performing some necessary act or duty as an officer, seaman, or other person employed on board of the vessel, shall be deemed guilty of a misdemeanor, and may be fined not more than one hundred dollars for each time he directs or permits the provisions of this section to be violated. A copy of this section, written or printed in the language or principal languages of the passengers on board, shall, by or under the direction of the master of the vessel, be posted in a conspicuous place on the fore-castle and in the several parts of the vessel provided and assigned for the use of such passengers, and in each compartment or space occupied by such passengers, and the same shall be kept so posted during the voyage; and if the said master neglects so to do, he shall be deemed guilty of a misdemeanor, and shall be fined not more than one hundred dollars.

Inspection and examination of vessels; reports ¹

46 U.S.C. 160

The collector of customs of the collection district within which, or the surveyor of the port at which, any such steamship or other vessel arrives, shall direct an inspector or other officer of the customs to make an examination of the vessel, and to admeasure the compartments or spaces occupied by the emigrant passengers, or passengers other than cabin passengers, during the voyage; and such measurement shall be made in the manner provided by law for admeasuring vessels for tonnage; and to compare the number of such passengers found on board with the list of such passengers furnished by the master to the customs officer; and the said inspector or other officer shall make a report to the aforesaid collector or surveyor, stating the port of departure, the time of sailing, the length of the voyage, the ventilation, the number of such passengers on board the vessel, and their native country, respectively; the cubic quantity of each compartment or space; and the number of berths and passengers in each space, the kind and quality of the food furnished to such passengers on the voyage; the number of deaths, and the age and sex of those who died during the voyage, and of what disease; and in case there was any unusual sickness or mortality during the voyage, to report whether the same was caused by any neglect or violation of the provisions of sections 151-162 and 171 of this title, or by the want of proper care against disease by the master or owners of the vessel; and the said reports shall be forwarded to the Commissioner of Customs at such times and in such manner as he shall direct.

¹ Applies only to vessels carrying steerage passengers.

Vessels carrying emigrant passengers to foreign countries; withholding clearance papers**46 U.S.C. 161**

The provisions of sections 151-162 of this title shall apply to every steamship or other vessel whereon emigrant passengers, or passengers other than cabin passengers, are taken on board at a port or place in the United States for conveyance to any port or place in a foreign country except foreign territory contiguous to the United States, and shall also apply to any vessel whereon such passengers are taken on board at any port or place of the United States on the Atlantic Ocean or its tributaries for conveyance to a port or place on the Pacific Ocean or its tributaries, or vice versa; and whether the voyage of said vessel is to be continuous from port to port or such passengers are to be conveyed from port to port in part by the way of any overland route through Mexico or Central America; and the said collector of customs may direct an examination of the vessel to be made by an inspector or other officer of the customs, who shall make the examination and report whether the provisions of this Act have been complied with in respect to such vessel, and the said collector is authorized to withhold the clearance of such vessel until the coming in of such report; and if the said report shall show that any of the provisions of this Act have not been complied with, the collector is authorized and directed to withhold the clearance of such vessel until the said provisions are complied with; and if any such vessel leaves the aforesaid port or place without having been duly cleared by the collector of customs, the master shall be deemed guilty of a misdemeanor, and may be fined not exceeding \$1,000 and be imprisoned not exceeding one year, and the vessel shall be liable to seizure and forfeiture.

Fines and penalties; lien on vessel; recovery**46 U.S.C. 162**

The amount of the several fines and penalties imposed by sections 151-162 of this title upon the master of any steamship or other vessel carrying or bringing emigrant passengers, or passengers other than cabin passengers, for any violation of the said provisions shall be liens upon such vessel, and such vessel may be libeled therefor in any district court of the United States where such vessel shall arrive or depart.

Transportation of animals by vessels carrying steerage passengers**46 U.S.C. 156a**

Horses, cattle, or other animals taken on board of or brought in any such vessel shall not be carried on any deck below the deck on which passengers are berthed, nor in any compartment in which passengers are berthed, nor in any adjoining compartment except in a vessel built of iron, and of which the compartments are divided off by watertight bulkheads extending to the upper deck. For every violation of any of the provisions of this section the master of the vessel shall be deemed guilty of a misdemeanor, and shall be fined not exceeding \$1,000 and be imprisoned for a period not exceeding one year.

Chapter 4.—LOAD LINES FOR MERCHANT VESSELS

SUBCHAPTER 4A.—LOAD LINES FOR VESSELS MAKING SEA VOYAGES

Establishment; vessels affected

46 U.S.C. 85

Load lines are hereby established for the following vessels:

(a) Merchant vessels of one hundred and fifty gross tons or over, loading at or proceeding to sea from any port or place within the United States or its possessions for a foreign voyage at sea, or arriving within the jurisdiction of the United States or its possessions from a foreign voyage by sea, in both cases the Great Lakes excepted.

(b) Merchant vessels of the United States of one hundred and fifty gross tons or over, loading at or proceeding to sea from any foreign port or place for a voyage by sea, the Great Lakes excepted.

(c) Sections 85-85g of this title shall not apply to merchant vessels that are being towed and which are carrying neither cargo nor passengers.

Determination of load lines; regulations; material factor in fixing lines

46 U.S.C. 85a

The Commandant of the Coast Guard is authorized and directed in respect of the vessels defined in section 85 (a) and (b) of this title to establish by regulations from time to time the load water lines and marks thereof indicating the maximum depth to which such vessels may safely be loaded and in establishing such load lines due consideration shall be given to, and differentials made for, the various types and character of vessels and the trades in which they are engaged: *Provided*, That no load line shall be established or marked on any vessel, which load line, in the judgment of the Commandant of the Coast Guard, is above the actual line of safety. Such regulations shall have the force of law.

Marking lines on vessels; approval of marks; certificate

46 U.S.C. 85b

It shall be the duty of the owner and of the master of every vessel subject to sections 85-85g of this title and to the regulations established thereunder to cause the load line or lines so established to be permanently and conspicuously marked upon the vessel in such manner as the Commandant of the Coast Guard shall direct, and to keep the same so marked. The Commandant of the Coast Guard shall appoint the American Bureau of Shipping, or such other American corporation or association for the survey or registry

of shipping as may be selected by him, to determine whether the position and manner of marking on such vessels the load line or lines so established are in accordance with the provisions of sections 85-85g of this title and of the regulations established thereunder: *Provided, however,* That, at the request of the shipowner, the Commandant of the Coast Guard may appoint, for the purpose aforesaid, any other corporation or association for the survey or registry of shipping which the Commandant of the Coast Guard may approve; or the Commandant of the Coast Guard may appoint for said purpose any officer of the Government, who shall perform such services as may be directed by the Commandant of the Coast Guard. The Commandant of the Coast Guard may, in his discretion, revoke any appointment made pursuant to this section. Such corporation, association, or officer shall, upon approving the position and manner of marking of such load line or lines, issue a certificate, in a form to be prescribed by the Commandant of the Coast Guard, that the same are in accordance with the provisions of sections 85-85g of this title and of the regulations established thereunder, and shall deliver a copy thereof to the master of the vessel. It shall be unlawful for any vessel subject to this act and to said regulations to depart from any port or place designated in section (1) without bearing such mark or marks, approved and certified by such corporation, association, or officer, and without having on board a copy of said certificate.

Vessels so loaded as not to submerge lines or marks

46 U.S.C. 85c

It shall be unlawful for any vessel subject to sections 85-85g of this title and to the regulations established thereunder to be so loaded as to submerge, in sea water, the load line or lines marked pursuant to said sections and to the regulations established thereunder applicable to her voyage; or so as to submerge under like conditions the point where such load line or lines ought to be marked pursuant to the provisions of said sections and of the regulations established thereunder; or so as in any manner to violate the said regulations.

Foreign vessels; application of sections 85-85g

46 U.S.C. 85d

Whenever the Commandant of the Coast Guard shall certify that the laws and regulations in force in any foreign country relating to load lines are equally effective with the regulations established under sections 85-85g of this title, the Commandant of the Coast Guard may direct, on proof that a vessel of that country has complied with such foreign laws and regulations, that such vessel and her master and owner shall be exempted from compliance with the provisions of this act, except as hereinafter provided: *Provided,* That this section shall not apply to the vessels of any foreign country which does not similarly recognize the load lines established under this act and the regulations made thereunder.

Recordation by masters of vessels of position of load line mark and actual drafts**46 U.S.C. 85e**

It shall be the duty of the master of every vessel subject to sections 85-85g of this title and to the regulations established thereunder and of every foreign vessel exempted pursuant to section 85d of this title, before departing from her loading port or place for a voyage by sea, to enter in the official log book of such vessel a statement of the position of the load-line mark applicable to the voyage in question and the actual drafts forward and aft at the time of departing from port as nearly as the same can be ascertained.

Detention of vessels loaded in violation of sections 85-85g**46 U.S.C. 85f**

If any collector of customs or Coast Guard district commander has reason to believe, on complaint or otherwise, that a vessel subject to sections 85-85g of this title and to the regulations established thereunder is about to proceed to sea from a port in the United States or its possessions within his district when loaded in violation of section 85c of this title, or that any vessel exempted pursuant to section 85d of this title is about to proceed to sea from such port when loaded in violation of the laws and regulations of her country with respect to load line, he may by written order served on the master or officer in charge of such vessel detain her provisionally for the purpose of being surveyed. The collector or Coast Guard district commander shall then serve on the master a written statement of the grounds of her detention and shall appoint three disinterested surveyors to examine the vessel and her loading and to report to him, whereupon the said collector or Coast Guard district commander may release or may by written order served on the master or officer in charge of such vessel detain the vessel until she has been reloaded in whole or in part so as to conform to section 85c of this title; or, in case of a vessel exempted pursuant to section 85d of this title, so as to conform to the laws and regulations of her own country with respect to load line. If the vessel be ordered detained, the master may, within five days, appeal to the Commandant of the Coast Guard, who may, if he desires, order a further survey, and may affirm, set aside, or modify the order of the collector or Coast Guard district commander. Clearance shall be refused to any vessel which shall have been ordered detained. The owner and agent of a vessel surveyed and found in violation of this Act or regulations established thereunder shall bear the costs of the survey in addition to any penalty or fine imposed.

Penalties for violations of sections 85-85g**46 U.S.C. 85g**

(a) The owner and/or master of any vessel subject to sections 85-85g of this title and the regulations established thereunder shall be liable to the United States in a penalty not to exceed \$1,000 whenever the vessel is found operating, navigating, or otherwise in use upon the navigable waters of the United States in violation of the

provisions of sections 85-85g of this title or the regulations established thereunder, or whenever the vessel, if a vessel of the United States, is found operating, navigating, or otherwise in use upon the high seas in violation of the provisions of sections 85-85g of this title or the regulations established thereunder. Each day a vessel is in violation of the provisions of sections 85-85g of this title shall constitute a separate offense. The Secretary of the department in which the Coast Guard is operating may assess, collect, remit, and mitigate any penalty imposed under sections 85-85g of this title.

(b) If the master of any vessel subject to sections 85-85g of this title and to the regulations established thereunder, or of any foreign vessel exempted pursuant to section 85d of this title, shall fail, before departing from her loading port or place, to enter in the official log book of such vessel the statement required by section 85e of this title, he shall for each offense be liable to the United States in a penalty of \$500.

(c) If any person shall knowingly permit or cause or attempt to cause any vessel subject to sections 85-85g of this title and to the regulations established thereunder to depart, or if, being the owner, manager, agent, or master of such vessel, he shall fail to take reasonable care to prevent her from departing from her loading port or place when loading in violation of section 85c of this title, or if any person shall knowingly permit or cause or attempt to cause a foreign vessel exempted pursuant to section 85d of this title to depart, or if, being the owner, manager, agent, or master of such vessel, he shall fail to take reasonable care to prevent her from departing from her loading port or place when loaded more deeply than permitted by the laws and regulations of the country to which she belongs, he shall, in respect of each offense be liable to the United States in a penalty of \$1,000 plus a sum computed at the rate of \$500 per inch of draft in excess of the vessel's applicable load line.

(d) If the master of any vessel or any other person shall knowingly permit or cause or attempt to cause any vessel to depart from any port or place in the United States or its possessions in violation of any order of detention made pursuant to section 85f of this title, he shall, in respect of each offense, be guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000 or by imprisonment not to exceed three months, or both such fine and imprisonment, in the discretion of the court.

(e) If any person shall conceal, remove, alter, deface, or obliterate or shall suffer any person under his control to conceal, remove, alter, deface, or obliterate any mark or marks placed on a vessel pursuant to sections 85-85g of this title or to the regulations established thereunder, except in the event of lawful change of said marks, or to prevent capture by an enemy, he shall in respect of each offense be guilty of a misdemeanor and shall be punished by a fine not to exceed \$2,000, or by imprisonment not to exceed one year, or both such fine and imprisonment, in the discretion of the court.

(f) Whenever the owner, manager, agent, or master of a vessel shall become subject to a fine or penalty by way of money payment pursuant to the provisions of sections 85-85g, the vessel shall also be liable therefor and may be seized and proceeded against in the

district court of the United States in any district in which such vessel may be found.

Delegation of Functions

The following Treasury Department Order 167-48 (27 F.R. 10504) was issued by the Secretary of the Treasury under date of October 27, 1962:

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 and 14 U.S.C. 631, there are transferred to the Commandant, United States Coast Guard, the functions of the Secretary of the Treasury under Public Law 87-620, approved August 31, 1962 (amending 46 U.S.C. 85-85g and 88-88i) regarding load lines for oceangoing, coastwise, and Great Lakes vessels.

The Commandant may make provision for the performance by subordinates in the Coast Guard of any of the functions transferred except those of prescribing rules and regulations.

SUBCHAPTER 4B.—LOAD LINES FOR VESSELS ENGAGED IN COASTWISE TRADE, INCLUDING THE GREAT LAKES**Establishment; vessels affected****46 U.S.C. 88**

Load lines are established for merchant vessels of one hundred and fifty gross tons or over, loading at or proceeding to sea from any port or place within the United States or its possessions for a coastwise voyage by sea. By "coastwise voyage by sea" is meant a voyage on which a vessel in the usual course of her employment proceeds from one port or place in the United States or her possessions to another port or place in the United States or her possessions and passes outside the line dividing inland waters from the high seas, as defined in section 151 of Title 33.

Determination of load water lines**46 U.S.C. 88a**

The Secretary of the department in which the Coast Guard is operating is hereby authorized and directed in respect of the vessels defined above to establish by regulations from time to time the load water lines and marks thereof indicating the maximum depth to which such vessels may safely be loaded. Such regulations shall have the force of law. In establishing such load lines due consideration shall be given to, and differentials made for, the various types and character of vessels and the trades in which they are engaged. In establishing load water lines on passenger vessels due consideration shall be given to, and differentials shall be made for, the age and condition of the vessel, its subdivision and efficacy thereof, and the probable stability of the vessel if damaged: *Provided*, That the load-line provisions of sections 88-88g of this title shall apply to the Great Lakes: *Provided further*, That no load line shall be established or marked on any vessel, which load line in the judgment of the Secretary is above the actual line of safety.

Marking lines on vessels; approval of marks; certificate**46 U.S.C. 88b**

It shall be the duty of the owner and of the master of every vessel subject to sections 88-88i of this title and to the regulations established thereunder to cause the load line or lines so established to be permanently and conspicuously marked upon the vessel in such manner as the Commandant of the Coast Guard shall direct, and to keep the same so marked. The Commandant of the Coast Guard shall appoint the American Bureau of Shipping, or such other American corporation or association for the survey or registry of shipping as may be selected by him, to determine whether the position and manner of marking on such vessels the load line or lines so established are in accordance with the provisions of said sections and of the regulations established thereunder: *Provided, however*, That, at the request of the shipowner, the Commandant of the Coast Guard may appoint, for the purpose aforesaid, any other corporation

or association for the survey or registry of shipping which the Commandant of the Coast Guard may approve; or the Commandant of the Coast Guard may appoint for said purpose any officer of the Government, who shall perform such services as may be directed by the Commandant of the Coast Guard. The Commandant of the Coast Guard may, in his discretion, revoke any appointment made pursuant to this section. Such corporation, association, or officer shall, upon approving the position and manner of marking of such load line or lines, issue a certificate, in a form to be prescribed by the Commandant of the Coast Guard, that the same are in accordance with the provisions of said sections and of the regulations established thereunder, and shall deliver a copy thereof to the master of the vessel. It shall be unlawful for any vessel subject to said sections and to said regulations to depart from any port or place designated in sections 88 of this title without bearing such mark or marks, approved and certified by such corporation, association, or officer, and without having on board a copy of said certificate.

Vessels so loaded as not to submerge lines or marks

46 U.S.C. 88c

It shall be unlawful for any vessel subject to sections 88–88i of this title and to the regulations established thereunder to be so loaded as to submerge the load line or lines marked pursuant to this Act and to the regulations established thereunder applicable to her voyage; or to be so loaded as to submerge under like conditions the point where such load line or lines ought to be marked pursuant to the provisions of sections 88–88i of this title and of the regulations established thereunder; or to be so loaded as in any manner to violate the said regulations.

Foreign vessels; application of sections 88–88i

46 U.S.C. 88d

Whenever the Commandant of the Coast Guard shall certify that the laws and regulations in force in any foreign country relating to load lines are equally effective with the regulations established under sections 88–88i of this title, the Commandant of the Coast Guard may direct, on proof that a vessel of that country has complied with such foreign laws and regulations, that such vessel and her master and owner shall be exempted from compliance with the provisions of such sections, except as hereinafter provided: *Provided*, That this section shall not apply to the vessels of any foreign country which does not similarly recognize the load lines established under said sections and the regulations made thereunder.

Recordation by masters of positions of load lines and actual draft

46 U.S.C. 88e

It shall be the duty of the master of every vessel subject to sections 88–88i of this title and to the regulations established thereunder and of every foreign vessel exempted pursuant to section 88d of this title,

before departing from her loading port or place to provide a ship's record or log book and enter therein a statement of the position of the load line marked applicable to the voyage in question and the actual drafts forward and aft at the time of departing as nearly as the said drafts can be ascertained.

Detention of vessels loaded in violation of sections 88-88i

46 U.S.C. 88f

If any collector of customs or Coast Guard district commander has reason to believe on complaint or otherwise that a vessel subject to the provisions of sections 88-88i of this title is about to proceed on a voyage from a port in the United States or its possessions within his district without conforming to the provisions of section 88b of this title hereof, or when loaded in violation of section 88c of this title hereof, or that any vessel exempted pursuant to section 88d of this title hereof is about to proceed on a voyage from such port when loaded in violation of the laws and regulations of her country with respect to load line, he may serve on the master or officer in charge of such vessel a written order detaining the vessel for the purpose of being surveyed to determine whether or not the provisions of sections 88-88i of this title are complied with. Where the detention is on the ground that the vessel does not conform to the provisions of section 88b of this title, the collector or Coast Guard district commander shall cause an examination of the vessel to be made, and if from such examination it appears that the vessel is not marked with the load line established in conformity with the provisions of sections 88-88i of this title, the collector or Coast Guard district commander shall so notify the master or officer in charge of such vessel and shall detain her until a load line shall have been duly established in accordance with section 88b of this title, provided that in cases of exceptional hardship, subject to regulations issued by the Commandant of the Coast Guard, the collector or Coast Guard district commander may cause a proper load line to be provisionally established by one of the agencies or persons designated under section 88b of this title, which provisional load line shall constitute a compliance with the provisions of sections 88-88i of this title only until completion of the particular voyage in which the vessel is at the time engaged. After such establishment or provisional establishment of a load line the collector or Coast Guard district commander shall appoint three disinterested surveyors to examine the loading of the vessel and to report to him whether such vessel is so loaded as to submerge said provisional load line and if from such report it appears that the vessel is so loaded, the collector or Coast Guard district commander may by written order served on the master or officer in charge of said vessel detain the vessel until she has been reloaded in whole or in part so as not to submerge said provisional load line or lines. Where the detention is on the ground of a supposed violation of section 88c or section 88d of this title, the collector or Coast Guard district commander shall appoint three disinterested surveyors to examine the vessel and her loading and to report to him and if from such report it appears that the vessel is loaded in violation of the provisions of section 88c or 88d of this title, the collector or Coast Guard district commander shall so notify in writing the master or other officer in charge

of such vessel and detain the vessel until she has been reloaded in whole or in part so as to conform to the provisions of section 88c or section 88d of this title. If a vessel is ordered detained by a collector or Coast Guard district commander, acting under the provisions of this section, the master may within five days appeal to the Commandant of the Coast Guard, who, if he so desires, may order a further survey and may affirm, set aside, or modify the order of the collector or Coast Guard district commander. Clearance shall be refused to any vessel which shall have been ordered detained. The owner and agent of a vessel surveyed and found in violation of sections 88–88i of this title or regulations established thereunder shall bear the costs of the survey in addition to any penalty or fine imposed.

Penalties for violations of sections 88–88i; seizure of vessels

46 U.S.C. 88g

(a) The owner and/or master of any vessel subject to sections 88–88i of this title and the regulations established thereunder shall be liable to the United States in a penalty not to exceed \$1,000 whenever the vessel is found operating, navigating, or otherwise in use upon the navigable waters of the United States, in violation of the provisions of sections 88–88i of this title or the regulations established thereunder, or whenever the vessel, if a vessel of the United States, is found operating, navigating, or otherwise in use upon the high seas in violation of the provisions of sections 88–88i of this title or the regulations established thereunder. Each day a vessel is in violation of the provisions of sections 88–88i of this title shall constitute a separate offense. The Secretary of the Department in which the Coast Guard is operating may assess, collect, remit, and mitigate any penalty imposed under sections 88–88i of this title.

(b) If the master of any vessel subject to sections 88–88i of this title, or of any foreign vessel exempted pursuant to section 88d of this title, shall fail, before departing from any port or place designated in section 88 of this title, to enter in and make a part of the ship's record or log book the statement required by section 88c of this title, he shall for each offense be liable to the United States in a penalty of \$500. The Commandant of the Coast Guard may, in his discretion, remit or mitigate any penalty imposed under this subsection.

(c) If any person shall knowingly permit or cause or attempt to cause any vessel subject to sections 88–88i of this title to depart or arrive, or if, being the owner, manager, agent, or master of such vessel, he shall fail to take reasonable care to prevent her from departing from or arriving at any port or place designated in section 88 of this title when loaded in violation of section 88c of this title, or if any person shall knowingly permit or cause or attempt to cause a foreign vessel exempted pursuant to section 88d of this title to depart or arrive, or if, being the owner, manager, agent, or master of such vessel he shall fail to take reasonable care to prevent her from departing from or arriving at any port or place designated in section 88 of this title when loaded more deeply than permitted by the laws and regulations of the country to which she belongs, he shall, in respect of each offense, be liable to the United States, in

a penalty of \$1,000 plus a sum computed at the rate of \$500 per inch of draft in excess of the vessel's applicable load line unless the vessel's departure or arrival was, under the circumstances, reasonable and justifiable.

(d) If the master of any vessel or any other person shall knowingly permit or cause or attempt to cause any vessel to depart from any port or place in the United States or its possessions in violation of any order of detention made pursuant to section 88f of this title, he shall, in respect of each offense, be guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000 or by imprisonment not to exceed three months, or both such fine and imprisonment, in the discretion of the court.

(e) If any person shall conceal, remove, alter, deface, or obliterate or shall suffer any person under his control to conceal, remove, alter, deface, or obliterate any mark or marks placed on a vessel pursuant to sections 88-88i of this title or to the regulations established thereunder, except in the event of lawful change of said marks, or to prevent capture by an enemy, he shall in respect of each offense be guilty of a misdemeanor and shall be punished by a fine not to exceed \$2,000, or by imprisonment not to exceed one year, or both such fine and imprisonment, in the discretion of the court.

(f) Whenever the owner, manager, agent, or master of a vessel shall become subject to a fine or penalty by way of money payment pursuant to the provisions of sections 88-88i of this title, the vessel shall also be liable therefor and may be seized and proceeded against in the district court of the United States in any district in which such vessel may be found.

Delegation of Functions

See Treasury Department Order 167-48 with 46 U.S.C. 85-85g, page 131.

Chapter 5.—MANNING OF CERTAIN VESSELS

SUBCHAPTER 5A.—GENERAL PROVISIONS

Complement of officers and crew of vessels; penalties

46 U.S.C. 222 (R.S. 4463)

No vessel of the United States subject to the provisions of title 52 of the Revised Statutes or to the inspection laws of the United States shall be navigated unless she shall have in her service and on board such complement of licensed officers and crew, including certificated lifeboatmen, separately stated, as may, in the judgment of the Coast Guard, be necessary for her safe navigation. The Coast Guard shall make in the certificate of inspection of the vessel an entry of such complement of officers and crew including certificated lifeboatmen, separately stated, which may be changed from time to time by indorsement of such certificate by the Coast Guard by reason of change of conditions or employment. Such entry or indorsement shall be subject to a right of appeal, under regulations to be made by the Commandant of the Coast Guard, who shall have the power to revise, set aside, or affirm the said determination.

If any such vessel is deprived of the services of any number of the crew including certificated lifeboatmen, separately stated, without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the vessel may proceed on her voyage if, in the judgment of the master, she is sufficiently manned for such voyage: *Provided*, That the master shall ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same grade or of a higher rating with those whose places they fill. If the master shall fail to explain in writing the cause of such deficiency in the crew including certificated lifeboatmen, separately stated, to the Coast Guard within twelve hours of the time of the arrival of the vessel at her destination, he shall be liable to a penalty of \$50. If the vessel shall not be manned as provided in this section, the owner shall be liable to a penalty of \$100, or in case of an insufficient number of licensed officers to a penalty of \$500.

Minimum number of officers

46 U.S.C. 223

That the Coast Guard shall make an entry in the certificate of inspection of every ocean and coastwise seagoing merchant vessel of the United States propelled by machinery, and every ocean-going vessel carrying passengers, the minimum number of licensed deck officers required for her safe navigation according to the following scale:

That no such vessel shall be navigated unless she shall have on board and in her service one duly licensed master.

Every such vessel of one thousand gross tons and over, propelled by machinery, shall have in her service and on board three licensed mates, who shall stand in three watches while such vessel is being navigated, unless such vessel is engaged in a run of less than four hundred miles from the port of departure to the port of final destination, then such vessel shall have two licensed mates: and every vessel of two hundred gross tons and less than one thousand gross tons, propelled by machinery, shall have two licensed mates.

Every such vessel of one hundred gross tons and under two hundred gross tons, propelled by machinery, shall have on board and in her service one licensed mate; but if such vessel is engaged in a trade in which the time required to make the passage from the port of departure to the port of destination exceeds twenty-four hours, then such vessel shall have two licensed mates.

Nothing in this section shall be so construed as to prevent the Coast Guard from increasing the number of licensed officers on any vessel subject to the inspection laws of the United States, if, in its judgment, such vessel is not sufficiently manned for her safe navigation: *Provided*, That this section shall not apply to fishing or whaling vessels, yachts, or motorboats as defined in the act of June 9, 1910, ch. 268, 36 Stat. 462 or to wrecking vessels.

Membership of officer in United States Naval Reserve

46 U.S.C. 1132(g)

All of the deck and engineer officers employed on vessels on which an operating-differential subsidy is paid under authority of subchapter VI of this chapter, or employed on the vessels of the Department of Commerce after one year after June 29, 1936 shall, if eligible, be members of the United States Naval Reserve.

Watch duty of deck officers

46 U.S.C. 235

It shall be unlawful for the master, owner, agent, or other person having authority, to permit an officer of any vessel to take charge of the deck watch of the vessel upon leaving or immediately after leaving port, unless such officer shall have had at least six hours off duty within the twelve hours immediately preceding the time of sailing, and no licensed officer on any ocean or coastwise vessel shall be required to do duty to exceed nine hours of any twenty-four while in port, including the date of arrival, or more than twelve hours of any twenty-four at sea, except in a case of emergency when life or property is endangered. Any violation of this section shall subject the person or persons guilty thereof to a penalty of \$100.

Requirements, qualifications, and regulations as to crews

46 U.S.C. 672(a)

No vessel of one hundred tons gross and upward, except those navigating rivers exclusively and the smaller inland lakes and except as

provided in section 569 of this title, shall be permitted to depart from any port of the United States unless she has on board a crew not less than 75 per centum of which, in each department thereof, are able to understand any order given by the officers of such vessel, nor unless 65 per centum of her deck crew, exclusive of licensed officers and apprentices, are of a rating not less than able seamen. Every person shall be rated an able seaman, and qualified for service as such on the seas, who is nineteen years of age or upward, and has had at least three years' service on deck at sea or on the Great Lakes, on a vessel or vessels to which this section applies, including decked fishing vessels, and vessels, in United States Government service; and every person shall be rated an able seaman, and qualified to serve as such on the Great Lakes and on the smaller lakes, bays, or sounds who is nineteen years of age or upward and has had at least eighteen months' service on deck at sea or on the Great Lakes or on the smaller lakes, bays, or sounds, on a vessel or vessels to which this section applies, including decked fishing vessels and vessels in the United States Government service; and graduates of school ships approved by and conducted under rules prescribed by the Commandant of the Coast Guard may be rated able seamen upon graduation in good standing from said school ships: *Provided*, That no boy shall be shipped on any vessel to which this section applies unless he meets the physical qualifications contained in regulations to be prescribed by the Commandant of the Coast Guard and that no boy shall be placed on the lookout or at the wheel except for the purpose of learning, and that in narrow and crowded waters or in low visibility none below the rating of able seaman shall be permitted at the wheel: *Provided further*, That no deck boy shall be held qualified to fill the place of ordinary seaman until he has had at least six months' service as deck boy: *Provided further*, That upon examination, under rules prescribed by the Coast Guard as to eyesight, hearing, and physical condition, such persons or graduates are found to be competent: *Provided further*, That upon examination, under rules prescribed by the Coast Guard as to eyesight, hearing, physical condition, and knowledge of the duties of seaman-ship, a person found competent may be rated as able seaman after having served on deck twelve months at sea or on the Great Lakes, but seamen examined and rated able seamen under this proviso shall not in any case compose more than one-fourth of the number of able seamen required by this section to be shipped or employed upon any vessel.

Members of engine department

46 U.S.C. 672(e)

No vessel to which this section applies may be navigated unless all of the complement in her engine department above the rating of coal passer or wiper and below the rating of licensed officer shall be holders of a certificate of service as a qualified member of the engine department. The Coast Guard shall, upon application and examination as to competence and physical condition, as prescribed by the Commandant of the Coast Guard, issue such a certificate of service. An applicant for such rating shall produce to the Coast Guard definite proof of at least six months' service at sea in a rating at least equal to

that of coal passer or wiper in the engine department of vessels required by this section to have such certificated men or proof that he is a graduate of a school ship approved by and conducted under rules prescribed by the Commandant of the Coast Guard.

Requirements as to watches; duties of seamen; hours of work; penalty; right of seamen to discharge; effective date

46 U.S.C. 673

In all merchant vessels of the United States of more than one hundred tons gross, excepting those navigating rivers, harbors, lakes (other than Great Lakes), bays, sounds, bayous, and canals, exclusively, the licensed officers and sailors, coal passers, firemen, oilers and water tenders shall, while at sea, be divided into at least three watches, which shall be kept on duty successively for the performance of ordinary work incident to the sailing and management of the vessel: *Provided*, That in the case of radio-telegraph operators this requirement shall be applicable only when three or more radio officers are employed. No licensed officer or seaman in the deck or engine department of any tug documented under the laws of the United States (except boats or vessels used exclusively for fishing purposes) navigating the Great Lakes, harbors of the Great Lakes, and connecting and tributary waters between Gary, Indiana; Duluth, Minnesota; Niagara Falls, New York; and Ogdensburg, New York, shall be required or permitted to work more than eight hours in one day except in cases of extraordinary emergency affecting the safety of the vessel and/or life or property. The seamen shall not be shipped to work alternately in the fireroom and on deck, nor shall those shipped for deck duty be required to work in the fireroom, or vice versa; nor shall any licensed officer or seaman in the deck or engine department be required to work more than eight hours in one day; but these provisions shall not limit either the authority of the master or other officer or the obedience of the seamen when in the judgment of the master or other officer the whole or any part of the crew are needed for maneuvering, shifting berth, mooring, or unmooring the vessel, or the performance of work necessary for the safety of the vessel, her passengers, crew, and cargo, or for the saving of life aboard other vessels in jeopardy, or when in port or at sea, from requiring the whole or any part of the crew to participate in the performance of fire, lifeboat, or other drills. While such vessel is in a safe harbor no seaman shall be required to do any unnecessary work on Sundays or the following-named days: New Year's Day, the Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day, but this shall not prevent the dispatch of a vessel on regular schedule or when ready to proceed on her voyage. And at all times while such vessel is in a safe harbor, eight hours, inclusive of the anchor watch, shall constitute a day's work. Whenever the master of any vessel shall fail to comply with this section and the regulation issued thereunder, the owner shall be liable to a penalty not to exceed \$500, and the seamen shall be entitled to discharge from such vessel and to receive the wages earned. But this section shall not apply to vessels engaged

in salvage operations: *Provided*, That in all tugs and barges subject to this section when engaged on a voyage of less than six hundred miles, the licensed officers and members of the crews other than coal passers, firemen, oilers, and water tenders may, while at sea, be divided into not less than two watches, but nothing in this proviso shall be construed as repealing any part of section 222 of this title.

Muster of the crew on motion or information; rules and regulations; examination of applicant for certificate of service as able seaman; surrender of certificates; new certificates

46 U.S.C. 672(d)

The collector of customs may, upon his own motion, and shall, upon the sworn information of any reputable citizen of the United States setting forth that this section is not being complied with, cause a muster of the crew of any vessel to be made to determine the fact, at which muster said reputable citizen must be present; and no clearance shall be given to any vessel failing to comply with the provisions of this section: *Provided*, That the collector of customs shall not be required to cause such muster of the crew to be made unless said sworn information has been filed with him for at least six hours before the vessel departs, or is scheduled to depart: *Provided further*, That any person that shall knowingly make a false affidavit for such purpose shall be deemed guilty of perjury and upon conviction thereof shall be punished by a fine not exceeding \$500 or by imprisonment not exceeding one year, or by both such fine and imprisonment, within the discretion of the court. Any violation of any provision of this section by the owner, master, or officer in charge of the vessel shall subject the owner of such vessel to a penalty of not less than \$100 and not more than \$500: *Provided further*, That the Commandant of the Coast Guard shall make such rules and regulations as may be necessary to carry out the provisions of this section, and nothing herein shall be held or construed to prevent the Commandant of the Coast Guard from making rules and regulations authorized by law as to vessels excluded from the operation of this section: *And provided further*, That no certificate of service as able seaman shall be issued by the Coast Guard until after examination of the applicant therefor, under rules and regulations prescribed by the Commandant of the Coast Guard, as to his efficiency, and upon proof, as a result of such examination, that he has been trained in and is acquainted with the duties entitling him to such rating. No seaman shall be considered an "able seaman" within the meaning of the laws of the United States relating to the manning of vessels unless he is in possession of such certificate issued by the board of local inspectors or the Coast Guard. All certificates as "able seaman" and "lifeboatman" issued by the several boards of local inspectors or other Federal officers prior to June 25, 1936, shall, within six months thereafter, be surrendered to such boards of local inspectors for cancellation, and there shall be issued in lieu thereof to all able seamen and lifeboatmen found qualified by such examination new certificates as required by law: *Provided*, That if due to inability on the part of the Department of Commerce to carry out the provisions of this subsection with regard to all seamen, the Secretary of Commerce may, in his discretion,

extend the time for a period not to exceed three months. Such new certificates shall be stamped with the seal of the board of local inspectors or the Coast Guard, placed partially over the signature of the applicant for such certificate; and there shall be attached thereto a photograph of the applicant. Any other safeguards which, in the judgment of the Commandant of the Coast Guard, may be necessary and advisable to establish the authenticity of the certificate, are authorized.

Exception to section 672; certain sail vessels

46 U.S.C. 672-1

The provisions of section 672 of this title, relating to the manning of certain vessels, shall not apply to any sail vessel of less than five hundred tons registered tonnage, while not carrying passengers for hire, and while not operating outside the line dividing inland waters from the high seas, as defined in section 151 of title 33.

Application of sections 643, 660a, 672, 672a, 673, 689, and 710a of title 46 to fishing or whaling vessels or yachts

46 U.S.C. 690

No provision of sections 660a, 672a, 689 and 710a of this title and no amendment to sections 643, 672, and 673 of this title made by Act of June 25, 1936, ch. 816, 49 Stat. 1930, shall apply to fishing or whaling vessels or yachts: *Provided, however*, That the provisions of sections 643, 672, and 673 of this title as they existed prior to June 25, 1936, shall continue in effect insofar as they are applicable to said vessels or yachts with like force and effect as if sections 660a, 672a, 689 and 710a of this title had not been passed.

Vessels in coastwise trade

46 U.S.C. 544

None of the provisions of sections 201-203, 542a, 543, 545, 546, 561, 562, 564-571, 577, 578, 591-595, 600, 621-628, 641-643, 644, 645, 651, 652, 662-669, 701-709, 711, 713 of this title shall apply to sail or steam vessels engaged in the coastwise trade, except the coastwise trade between the Atlantic and Pacific coasts, or in the lake-going trade touching at foreign ports or otherwise, or in the trade between the United States and the British North American possessions, or in any case where the seamen are by custom or agreement entitled to participate in the profits or result of a cruise, or voyage.

Manning and wage scales; subsidy contracts

46 U.S.C. 1131

(a) Investigation of wages and working conditions; establishment of wage and manning scales; incorporation in subsidy contracts. The Federal Maritime Board¹ is authorized and directed to inves-

¹ Section 304 of 1961 Reorganization Plan No. 7, 26 F.R. 7315, set out as a note under 46 U.S.C. 1111 abolished the Federal Maritime Board. Its functions were transferred either to the Federal Maritime Commission or to the Secretary of Commerce. See sections 103 and 202 of Reorganization Plan No. 7.

tigate the employment and wage conditions in oceangoing shipping and, after making such investigation and after appropriate hearings, to incorporate in the contracts authorized under sections 1171-1204 of this title minimum-manning scales and minimum-wage scales and minimum working conditions for all officers and crews employed on all types of vessels receiving an operating-differential subsidy. After such minimum manning and wage scales and working conditions shall have been adopted by the Board no change shall be made therein by the Board except upon public notice of the hearing to be had, and a hearing by the Board of all interested parties, under such rules as the Board shall prescribe. The duly elected representatives of the organizations certified as the proper collective bargaining agencies shall have the right to represent the employees who are members of their organizations at any such hearings. Every contractor receiving an operating-differential subsidy shall post and keep posted in a conspicuous place on each such vessel operated by such contractor a printed copy of the minimum manning and wage scales and working conditions prescribed by his contract and applicable to such vessel: *Provided, however,* That any increase in the operating expenses of the subsidized vessel occasioned by any change in the wage or manning scales or working conditions as provided in this section shall be added to the operating-differential subsidy previously authorized for the vessel.

(b) Subsidy contracts; provisions relative to officers and crew.

Every contract executed under authority of sections 1171-1204 of this title shall require—

(1) Insofar as is practicable, officers' living quarters shall be kept separate and apart from those furnished for members of the crew;

(2) Licensed officers and unlicensed members of the crew shall be entitled to make complaints or recommendations to the Secretary of Commerce providing they file such complaint or recommendation directly with the Secretary or with their immediate superior officer who shall be required to forward such complaint or recommendation with his remarks to the Secretary or with the authorized representatives of the respective collective bargaining agencies;

(3) Licensed officers who are members of the United States Naval Reserve shall wear on their uniforms such special distinguishing insignia as may be approved by the Secretary of the Navy; officers being those men serving under licenses issued by the Bureau of Marine Inspection and Navigation or the Coast Guard;

(4) The uniform stripes, decoration, or other insignia shall be of gold braid or woven gold or silver material, to be worn by officers, and no member of the ship's crew other than licensed officers shall be allowed to wear any uniform with such officer's identifying insignia;

(5) No discrimination shall be practiced against licensed officers, who are otherwise qualified, because of their failure to qualify as members of the United States Naval Reserve.

Replacement of licensed officer on foreign voyage**46 U.S.C. 221 (R.S. 4131)**

In cases where on a foreign voyage, or on a voyage from an Atlantic to a Pacific port of the United States, any such vessel is for any reason deprived of the services of an officer below the grade of master, his place, or a vacancy caused by the promotion of another officer to such place, may be supplied by a person not a citizen of the United States until the first return of such vessel to its homeport; and such vessel shall not be liable to any penalty or penal tax for such employment of an alien officer.

Shipping seamen to replace those lost by desertion or casualty**46 U.S.C. 569 (R.S. 4516)**

In case of desertion or casualty resulting in the loss of one or more of the seamen, the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same or higher grade or rating with those whose places they fill, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by sections 567 and 568 of this title. This section shall not apply to fishing or whaling vessels or yachts.

Removal of captain by owners**46 U.S.C. 227 (R.S. 4250)**

Any person or body corporate having more than one-half ownership of any vessel shall have the same power to remove a master, who is also part owner of such vessel, as such majority owners have to remove a master not an owner. This section shall not apply where there is a valid written agreement subsisting, by virtue of which such master would be entitled to possession.

Exhibition of licenses**46 U.S.C. 232 (R.S. 4446)**

Every master, mate, engineer, and pilot who shall receive a license shall, when employed upon any vessel, within forty-eight hours after going on duty, place his certificate of license, which shall be framed under glass, in some conspicuous place in such vessel, where it can be seen by passengers and others at all times: *Provided*, That in case of emergency such officer may be transferred to another vessel of the same owners for a period not exceeding forty-eight hours without the transfer of his license to such other vessel; and for every neglect to comply with this provision by any such master, mate, engineer, or pilot he shall be subject to a fine of \$100, or to the revocation of his license.

SUBCHAPTER 5B.—NATIONALITY OF OFFICERS AND CREWS**Vessels of the United States and officers defined; officers to be citizens****46 U.S.C. 221 (R.S. 4131)**

Vessels registered pursuant to law and no others, except such as shall be duly qualified according to law for carrying on the coasting or fishing trade, shall be deemed vessels of the United States, and entitled to the benefits and privileges appertaining to such vessels; but no such vessel shall enjoy such benefits and privileges longer than it shall continue to be wholly owned by a citizen or citizens of the United States or a corporation created under the laws of any of the States thereof, and be commanded by a citizen of the United States. And all the officers of vessels of the United States who shall have charge of a watch, including pilots, shall in all cases be citizens of the United States. The word "officers" shall include the chief engineer and each assistant engineer in charge of a watch on vessels propelled wholly or in part by steam; and no person shall be qualified to hold a license as a commander or watch officer of a merchant vessel of the United States who is not a native-born citizen, or whose naturalization as a citizen shall not have been fully completed.

Nationality of crews**46 U.S.C. 672a**

(a) From and after the enactment of this act all licensed officers and pilots of vessels of the United States shall be citizens of the United States, native-born, or completely naturalized.

(b) From and after six months after the enactment of this act upon each departure of any such vessel from a port of the United States, 75 per centum of the crew, excluding licensed officers, shall be citizens of the United States, native-born, or completely naturalized, unless the Commandant of the Coast Guard shall, upon investigation, ascertain that qualified citizen seamen are not available, when, under such conditions, he may reduce the above percentages.

(c) If any vessel while on a foreign voyage is for any reason deprived of the services of any member of the crew, such position or vacancy caused by the promotion of another to such position may be supplied by a person other than defined in subsections (a) and (b) of this section until the first call of such vessel at a port in the United States where such replacements can be obtained.

(d) The owner, agent, or officer of any such vessel, who shall employ any person in violation of the provisions of this section, shall be subject to a penalty of \$500 for each offense.

Citizenship of officers and crew [on subsidized vessels]**46 U.S.C. 1132**

(a) All licensed officers of vessels documented under the laws of the United States, as now required by law, shall be citizens of the United States, native-born or completely naturalized; and upon each departure from the United States of a cargo vessel in respect of which

a construction or operating subsidy has been granted all of the crew (crew including all employees of the ship) shall be citizens of the United States, native-born or completely naturalized.

(b) For a period of one year after the effective date of this chapter upon each departure from the United States of a passenger vessel in respect of which a construction or operation subsidy has been granted, all licensed officers shall be citizens of the United States as defined above, and no less than 80 per centum of the crew (crew including all employees of the ship other than officers) shall be citizens of the United States, native-born or completely naturalized, and thereafter the percentage of citizens, as above defined, shall be increased 5 per centum per annum until 90 per centum of the entire crew, including all licensed officers of any such vessel, shall be citizens of the United States, native-born or completely naturalized.

(c) Any member of the crew, not required by this section to be a citizen of the United States, may be an alien only if he is in possession of a valid declaration of intention to become a citizen of the United States, or other evidence of legal admission to the United States for permanent residence. Such alien, as above defined, may be employed only in the steward's department on passenger vessels.

(d) If any such vessel (as above defined) while on a foreign voyage is for any reason deprived of the services of any employee below the grade of master, his place or a vacancy caused by the promotion of another to his place may be supplied by a person other than defined in subsections (a) and (b) of this section until the first return of such vessel to a port in the United States.

(e) The owner, agent, or officer of any such vessel who knowingly employs any person in violation of the provisions of this chapter shall, upon conviction thereof, be fined \$50 for each person so employed.

Enforcement; effective date

46 U.S.C. 1132(f)

This section shall be enforced by the Commandant of the Coast Guard, for the purpose of carrying out the provisions of this section, (46 U.S.C. 1132) and shall take effect ninety days after June 29, 1936.

Chapter 6.—OFFICERS OF MERCHANT VESSELS AND MERCHANT SEAMEN

SUBCHAPTER 6A.—GENERAL PROVISIONS

Definitions

46 U.S.C. 713 (R.S. 4612)

In the construction of title 53 of the Revised Statutes, every person having the command of any vessel belonging to any citizen of the United States shall be deemed to be the "master" thereof; and every person (apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same shall be deemed and taken to be a "seaman"; and the term "vessel" shall be understood to comprehend every description of vessel navigating on any sea or channel, lake or river, to which the provisions of this Title may be applicable, and the term "owner" shall be taken and understood to comprehend all the several persons, if more than one, to whom the vessel shall belong.

NOTE.—The schedules and tables in 46 U.S.C. 713 are omitted from this publication. This material is required to be printed and posted on board vessels subject to the provisions of title 53 of the Revised Statutes regarding "Merchant Seamen."

Licensing of officers

46 U.S.C. 224 (R.S. 4438)

The Coast Guard shall license and classify the masters, chief mates, and second and third mates, if in charge of a watch, engineers, and pilots of all steam vessels, and the masters of sail vessels of over seven hundred gross tons, and all other vessels of over one hundred gross tons carrying passengers for hire. It shall be unlawful to employ any person, or for any person to serve, as a master, chief mate, engineer, or pilot of any steamer or as master of any sail vessel of over seven hundred gross tons, or of any other vessel of over one hundred gross tons carrying passengers for hire, who is not licensed by the Coast Guard, and anyone violating this section shall be liable to a penalty of \$100 for each offense.

Licenses to officers of vessels of the United States; exemption from draft; pay and pension

46 U.S.C. 225

All licenses issued to such officers shall be for a term of five years, but the holder of a license may have the same renewed for another five years in the manner prescribed in the rules and regulations of the Commandant of the Coast Guard: *Provided, however,* That any officer holding a license, and who is engaged in a service which necessitates his continuous absence from the United States, may

make application in writing for renewal and transmit the same to the Coast Guard, with his certificate of citizenship, if naturalized, and a statement of the applicant, verified before a consul or other officer of the United States authorized to administer an oath, setting forth the reasons for not appearing in person; and upon receiving the same the Coast Guard official that originally issued such license shall renew the same and shall notify the applicant of such renewal: *Provided further*, That no license as master, mate, or pilot of any class of vessel shall be renewed without furnishing a satisfactory certificate of examination as to color blindness.

No master, mate, pilot, or engineer of steam vessels licensed under sections 214, 224, 226, 228, 229, and 230 of this title shall be liable to draft in time of war, except for the performance of duties such as required by his license; and while performing such duties in the service of the United States every such master, mate, pilot, or engineer shall be entitled to the highest rate of wages paid in the merchant marine of the United States for similar services; and, if killed or wounded while performing such duties under the United States, they, or their heirs, or their legal representatives, shall be entitled to all privileges accorded to soldiers and sailors serving in the Army or Navy under the pension laws of the United States.

Renewal of licenses

46 U.S.C. 233 (R.S. 4447)

When any licensed officer is employed on a steamer in a district distant from any Coast Guard official, such official may grant a renewal of his license, without such licensed officer being personally present, under such regulations as the Commandant of the Coast Guard shall prescribe.

Oath of licensed officers; perjury; alteration of certificate or license

46 U.S.C. 231 (R.S. 4445)

Every master, chief mate, engineer, and pilot, who receives a license, shall, before entering upon his duties, make oath before one of the inspectors provided for, to be recorded with the certificate, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law. Every applicant for license as either master, mate, pilot, or engineer under the provisions of title 52 of the Revised Statutes shall make and subscribe to an oath or affirmation, before one of the inspectors referred to in this title, to the truth of all the statements set forth in his application for such license. Any person who shall make or subscribe to any oath or affirmation authorized in title 52 of the Revised Statutes and knowing the same to be false shall be deemed guilty of perjury. Every licensed master, mate, pilot, or engineer who shall change, by addition, interpolation, or erasure of any kind, any certificate or license issued by any inspector or inspectors referred to in title 52 of the Revised

Statutes shall, for every such offense, upon conviction, be punished by a fine of not more than \$500 or by imprisonment at hard labor for a term not exceeding three years.

Officers' Competency Certificates Convention, 1936 [Enabling Act]

46 U.S.C. 224a (R.S. 4438a)

(1) That the Officers' Competency Certificates Convention, 1936 (International Labor Organization Draft Convention Numbered 53, "concerning the minimum requirement of professional capacity for masters and officers on board merchant ships"), as ratified by the President on September 1, 1938, with understandings appended, and this section shall apply to all vessels, however propelled, navigating on the high seas, which are registered, enrolled and licensed, or licensed under the laws of the United States, whether permanently, temporarily, or provisionally, including yachts enrolled and licensed, or licensed, with the exception of—

- (a) ships of war;
- (b) Government vessels, or vessels in the service of a public authority, which are not engaged in trade;
- (c) wooden ships of primitive build, such as dhows and junks;
- (d) unrigged vessels;
- (e) all vessels of less than two hundred gross tons.

(2) All laws in effect on the effective date of this section covering the issuance, duration, renewal, suspension, and revocation of licenses of masters, mates, chief engineers, and assistant engineers be, and they are hereby, made applicable to the issuance, duration, renewal, suspension, or revocation of licenses of masters, mates, chief engineers, and assistant engineers of all vessels to which the Officers' Competency Certificates Convention, 1936, and this section apply, to such extent and upon such conditions, as may be required by the regulations of the Commandant of the Coast Guard: *Provided*, That examinations for licenses of masters, mates, chief engineers, and assistant engineers of fishing vessels, not subject to the inspection laws of the United States, shall be oral: *Provided further*, That applicants for licenses as masters, mates, chief engineers, and assistant engineers of fishing vessels not subject to the inspection laws of the United States shall not be required to obtain a certificate from the United States Public Health Service based upon the subject of ship sanitation, and first aid.

(3) Any license issued (whether before, or on, or after, the effective date of this section) to a master, mate, chief engineer, or assistant engineer of a vessel to which this section applies shall be deemed to be a certificate of competency for a master or skipper, navigating officer in charge of a watch, chief engineer or engineer in charge of a watch, respectively.

(4) No person shall be engaged to perform, or shall perform on board any vessel to which this section applies, the duties of master, mate, chief engineer, or assistant engineer unless he holds a license to perform such duties, issued in accordance with the provisions of

subsection 2 of this section: *Provided*, That a license as master, mate, chief engineer, or assistant engineer of vessels subject to this section may be issued without examination at any time prior to October 29, 1941, to any applicant who has had sufficient practical experience in the position for which he applies to be licensed and has no record of any serious technical error against him: *Provided further*, That no person to whom a license as master, mate, chief engineer, or assistant engineer is issued without examination may serve under authority of that license as master, mate, chief engineer, or assistant engineer on any vessel subject to the inspection laws of the United States.

(5) It shall be unlawful to engage or employ any person or for any person to serve as a master, mate, or engineer on any such vessel who is not licensed by the Coast Guard inspectors; and anyone violating this section shall be liable to a penalty of \$100 for each offense.

(6) If any collector of customs has reason to believe, on complaint or otherwise, that a vessel subject to this section and to the regulations established thereunder is about to proceed to the high seas from a port in the United States or any Territory over which the United States exercises jurisdiction, except the Panama Canal Zone, in violation of any provision of this section or of any provision of the Officers' Competency Certificates Convention, 1936, he may, by written order served on the master or officer in charge of such vessel, detain her until such time as this section shall have been complied with. Clearance shall be refused to any vessel which shall have been ordered detained. If the vessel be ordered detained the master may, within five days, appeal to the Commandant of the Coast Guard, who may, after investigation, affirm, set aside, or modify the order of the collector.

(7) Foreign vessels to which the Officers' Competency Certificate Convention, 1936, applies shall be subject to such inspection, within the jurisdiction of the United States, except the Panama Canal Zone, as may be necessary to determine that there has been a compliance with terms of the convention, and in case of any breach of the provisions of the convention by such vessel the collector of customs may, by written order served on the master or officer in charge of such vessel, detain her and refuse clearance to her until such time as the convention shall have been complied with; the collector shall also immediately notify the consul of the country in which the vessel is registered. If the vessel be ordered detained the master may, within five days, appeal to the Commandant of the Coast Guard, who may, after investigation, affirm, set aside, or modify the order of the collector.

(8) No provision of the Officers' Competency Certificates Convention, 1936, or of this section, shall apply to any vessel of the United States of less than two hundred gross tons, nor shall any provision of that convention or this section be deemed to alter, amend, or repeal any statute of the United States in effect on the effective date of this section with regard to any such vessel.

(9) The Commandant of the Coast Guard shall establish such regulations as may be necessary to secure the enforcement of the provisions of this section by any officer of the United States authorized to enforce the navigation or inspection laws of the United States.

(10) The Commandant of the Coast Guard or any officer of the Coast Guard authorized by the Commandant of the Coast Guard may, upon application therefor, remit or mitigate any fine or penalty incurred under this section or any regulation thereunder.

(11) No provision of the Officers' Competency Certificates Convention, 1936, nor of this section, shall apply to any vessel, however propelled, navigating on the Great Lakes.

(12) Where used in this section—

(a) the term "high seas" means all waters outside the line dividing the inland waters from the high seas, as defined in section 2 of the Act of February 19, 1895 (33 U.S.C. 151);

(b) the term "unrigged vessel" means any vessel that is not self-propelled.

(13) Nothing contained in the Officers' Competency Certificates Convention, 1936, nor in this section, shall be deemed to extend any provision of section 673 of this title, or to alter, modify, or repeal any statute of the United States in effect on the effective date of this section, except as hereinbefore provided.

(14) This section [act] became effective on October 29, 1939.

Exception of certain vessels from Officers' Competency Certificates Convention

46 U.S.C. 241

Pursuant to the authority granted in the second clause of Article One of the Officers' Competency Certificates Convention, 1936, ratified by the President of the United States on September 1, 1938, by and with the advice and consent of the Senate of the United States, given June 13, 1938 (being International Labor Conference Treaty, Draft Convention, Numbered 53, adopted by the International Labor Conference at Geneva in 1936), vessels of the United States of less than two hundred tons gross registered tonnage are hereby exempted from the provisions of such convention: *Provided, however,* That neither the ratification of the said convention by the President of the United States, nor the advice and consent of the United States Senate given thereto, nor any provision of the said convention as ratified, nor any provision of this Act shall be deemed to alter, amend, or repeal any statute of the United States existing at the time of said ratification, or thereafter enacted, with regard to any such vessel of less than two hundred tons gross registered tonnage.

Officers' Competency Certificates Convention, 1936

PROVISIONS OF DRAFT CONVENTION NO. 53

ARTICLE 1

1. This Convention applies to all vessels registered in a territory for which this Convention is in force and engaged in maritime navigation with the exception of—

(a) ships of war;

(b) Government vessels, or vessels in the service of a public authority, which are not engaged in trade;

- (c) wooden ships of primitive build such as dhows and junks.
2. National laws or regulations may grant exceptions or exemptions in respect of vessels of less than 200 tons gross registered tonnage.

ARTICLE 2

For the purpose of this Convention the following expressions have the meanings hereby assigned to them :

- (a) "master or skipper" means any person having command or charge of a vessel;
- (b) "navigating officer in charge of a watch" means any person, other than a pilot, who is for the time being actually in charge of the navigation or maneuvering of a vessel;
- (c) "chief engineer" means any person permanently responsible for the mechanical propulsion of a vessel;
- (d) "engineer officer in charge of a watch" means any person who is for the time being actually in charge of the running of a vessel's engines.

ARTICLE 3

1. No person shall be engaged to perform or shall perform on board any vessel to which this Convention applies the duties of master, or skipper, navigating officer in charge of a watch, chief engineer, or engineer officer in charge of a watch, unless he holds a certificate of competency to perform such duties, issued or approved by the public authority of the territory where the vessel is registered.

2. Exceptions to the provisions of this Article may be made only in case of *force majeure*.

ARTICLE 4

1. No person shall be granted a certificate of competency unless—

- (a) he has reached the minimum age prescribed for the issue of the certificate in question;
- (b) his professional experience has been of the minimum duration prescribed for the issue of the certificate in question; and
- (c) he has passed the examinations organized and supervised by the competent authority for the purpose of testing whether he possesses the qualifications necessary for performing the duties corresponding to the certificate for which he is a candidate.

2. National laws or regulations shall—

- (a) prescribe a minimum age to have been attained by and a minimum period of professional experience to have been completed by candidates for each grade of competency certificate;
- (b) provide for the organization and supervision by the competent authority of one or more examinations for the purpose of testing whether candidates for competency certificates possess the qualifications necessary for performing the duties corresponding to the certificates for which they are candidates.

3. Any Member of the Organization may, during a period of three years from the date of its ratification, issue competency certificates to

persons who have not passed the examinations organized in virtue of paragraph 2(b) of this Article who—

- (a) have in fact had sufficient practical experience of the duties corresponding to the certificate in question; and
- (b) have no record of any serious technical error against them.

ARTICLE 5

1. Each Member which ratifies this Convention shall ensure its due enforcement by an efficient system of inspection.

2. National laws or regulations shall provide for the cases in which the authorities of a Member may detain vessels registered in its territory on account of a breach of the provisions of this Convention.

3. Where the authorities of a Member which has ratified this Convention find a breach of its provisions on a vessel registered in the territory of another Member which has also ratified the Convention, the said authorities shall communicate with the consul of the Member in the territory of which the vessel is registered.

ARTICLE 6

1. National laws or regulations shall prescribe penalties or disciplinary measures for cases in which the provisions of this Convention are not respected.

2. In particular, such penalties or disciplinary measures shall be prescribed for cases in which—

(a) a shipowner, shipowner's agent, master or skipper has engaged a person not certificated as required by this Convention;

(b) a master or skipper has allowed any of the duties defined in Article 2 of this Convention to be performed by a person not holding the corresponding or a superior certificate;

(c) a person has obtained by fraud or forged documents an engagement to perform any of the duties defined in the said Article 2 without holding the requisite certificate.

ARTICLE 7

1. In respect of the territories referred to in Article 35 of the constitution of the International Labor Organization, each Member of the organization which ratifies this Convention shall append to its ratification a declaration stating;

(a) the territories in respect of which it undertakes to apply the provisions of the Convention without modification;

(b) the territories in respect of which it undertakes to apply the provisions of the Convention subject to modifications, together with details of the said modifications;

(c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;

(d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any member may by a subsequent declaration cancel in whole

or in part any reservations made in its original declaration in virtue of subparagraphs (b), (c), or (d) of paragraph 1 of this article.

ARTICLE 8

The formal ratifications of this Convention shall be communicated to the Secretary General of the League of Nations for registration.

ARTICLE 9

1. This Convention shall be binding only upon those members of the International Labor Organization whose ratifications have been registered with the Secretary General.

2. It shall come into force twelve months after the date on which the ratifications of two members have been registered with the Secretary General.

3. Thereafter, this Convention shall come into force for any member twelve months after the date on which its ratification has been registered.

ARTICLE 10

As soon as the ratifications of two members of the International Labor Organization have been registered, the Secretary General of the League of Nations shall so notify all the members of the International Labor Organization. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other members of the Organization.

ARTICLE 11

1. A member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this article.

ARTICLE 12

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labor Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

ARTICLE 13

1. Should the Conference adopt a new convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

ARTICLE 14

The French and English texts of this Convention shall both be authentic.

RESERVATIONS BY THE UNITED STATES GOVERNMENT

The above Convention was ratified on the part of the United States, subject to the following reservations:

"That the United States Government understands and construes the words 'vessels registered in a territory' appearing in this Convention to include all vessels of the United States as defined under the laws of the United States.

"That the United States Government understands and construes the words 'maritime navigation' appearing in this Convention to mean navigation on the high seas only.

"Nothing in this Convention shall be so construed as to prevent the authorities of the United States from making such inspection of any vessel referred to in article V, paragraph 3, within the jurisdiction of the United States, as may be necessary to determine that there has been a compliance with the terms of this Convention, or to prevent such authorities from withholding clearance to any such vessel which they find has not complied with the provisions of the Convention until such time as any such deficiency shall be corrected.

"That the provisions of this Convention shall apply to all territory over which the United States exercises jurisdiction except the Panama Canal Zone, with respect to which this Government reserves its decision."

RATIFICATION OF TREATY

NOTE.—The ratification of this treaty by the United States was deposited on October 29, 1938, and became effective on October 29, 1939. The Act of July 17, 1939, (46 U.S.C. 224a), represents the enabling legislation passed by Congress to make effective the provisions of this treaty.

Licenses to, and ownership of boats by, Indians**46 U.S.C. 237**

All Indians of the Tsimpsean or Haida tribe of the full or mixed blood who emigrated from British Columbia and settled at Metla-

kahtla on Annette Island, in southeastern Alaska, in the year 1887 and subsequent years, as well as all descendants of such Indians, and all other Indians who have since become and remained bona fide residents of said Metlakahla, Alaska, shall, if otherwise qualified, be entitled to receive and obtain licenses as masters, pilots, and engineers, as the case may be, of any and all steamboats and other craft, and also licenses as operators of motorboats and other craft, subject to the provisions of section 404 of this title, with the same force and effect as if they had been citizens of the United States; any such Indian may be the owner of any such motorboat or other craft, subject to the provisions of the said section, although such Indian be not a citizen of the United States, without depriving said motorboat or other craft of the benefits and privileges of a vessel of the United States.

Certificates of eligibility for licenses to Indians

46 U.S.C. 238

A certificate under the hand of any officer of the customs in Alaska, to the effect that the applicant for one of the different licenses mentioned in section 237 of this title comes within one of the provisions of said section, shall, together with the affidavit of the applicant to that effect, be sufficient evidence of the fact that said applicant is entitled to the privileges conferred upon said Indians by such section.

Officers to assist in examinations; dismissal of official disclosing source of information

46 U.S.C. 234 (R.S. 4448)

All officers licensed under the provisions of sections 214, 224, 226, 228, 229 and 230 of this title shall assist the Coast Guard in its examination of any vessels to which such licensed officers belong and shall point out all defects and imperfections known to them in the hull, equipment, boilers, or machinery of such vessel, and shall also make known to the Coast Guard at the earliest opportunity all accidents or occurrences producing serious injury to the vessel, her equipments, boilers, or machinery, and in default thereof the license of any such officer so neglecting or refusing shall be suspended or revoked.

Drunkenness or neglect of duty by seamen

18 U.S.C. 2196

Whoever, being a master, officer, radio operator, seaman, apprentice or other person employed on any merchant vessel, by willful breach of duty, or by reason of drunkenness, does any act tending to the immediate loss or destruction of, or serious damage to, such vessel, or tending immediately to endanger the life or limb of any person belonging to or on board of such vessel; or, by willful breach of duty or by neglect of duty or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such vessel from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board of

such ship from immediate danger to life or limb, shall be imprisoned not more than one year.

Carrying sheath knives

46 U.S.C. 710 (R.S. 4608)

No seaman in the merchant service shall wear any sheath knife on shipboard. It shall be the duty of the master of any vessel registered, enrolled, or licensed under the laws of the United States, and of the person entering into contract for the employment of a seaman upon any such vessel, to inform every person offering to ship himself of the provisions of this section, and to require his compliance therewith, under a penalty of \$50 for each omission, to be sued for and recovered in the name of the United States, under the direction of the Commandant of the Coast Guard; one half for the benefit of the informer, and the other half for the benefit of the fund for the relief of sick and disabled seamen.

Revocation or suspension of officers' license for refusal to serve

46 U.S.C. 240 (R.S. 4449)

If any licensed officer shall, to the hindrance of commerce, wrongfully or unreasonably refuse to perform his official duties after having signed articles or while employed on any vessel as authorized by the terms of his certificate of license, or if any pilot or engineer shall refuse to admit into the pilot house or engine room any person whom the master or owner of the vessel may desire to place there for the purpose of learning the profession, his license shall be revoked or suspended upon the same proceedings as are provided in other cases of revocation or suspension of such license.

Notice of time, place, and subject of investigation; record of testimony and findings; suspension or revocation of license or certificate

46 U.S.C. 239(g) (R.S. 4450)

In any investigation of acts of incompetency or misconduct or of any act in violation of the provisions of title 52 of the Revised Statutes or of any of the regulations issued thereunder, committed by any licensed officer or any holder of a certificate of service, the person whose conduct is under investigation shall be given reasonable notice of the time, place, and subject of such investigation and an opportunity to be heard in his own defense. The whole record of the testimony received by such investigation and the findings and recommendations shall be forwarded to the Commandant of the Coast Guard and if that officer shall find that such licensed officer or holder of certificate of service is incompetent or has been guilty of misbehavior, negligence, or unskillfulness, or has endangered life, or has willfully violated any of the provisions of title 52 of the Revised Statutes or any of the regulations issued thereunder, he shall, in a written order reciting said findings, suspend or revoke the license or certificate of service of such officer or holder of such certificate. The person whose license or certificate of service is suspended or revoked may within thirty days appeal from the order

to the Commandant of the Coast Guard. On such appeal the appellant shall be allowed to be represented by counsel. The Commandant of the Coast Guard may alter or modify any finding of the investigation, but the decision of the Commandant shall be based solely on the testimony received by the said investigation and shall recite the findings of fact on which it is based.

Narcotics violations; definitions

46 U.S.C. 239a

When used in section 239b of this title—

(a) The term "narcotic drug" shall have the meaning ascribed to that term by section 171(a) of title 21, and also shall include marihuana as defined in section 3238(b) of title 26, I.R.C. 1939 and section 4761 of title 26, I.R.C. 1954.

(b) The term "Secretary" means the head of the department in which the Coast Guard is operating.

(c) The term "seaman's document" means any document authorized by law or regulation to be issued to a merchant mariner by the Secretary.

Narcotics violations; denial or revocation of seaman's document

46 U.S.C. 239b

The Secretary may—

(a) deny a seaman's document to—

(1) any person who, within ten years prior to the date of application therefor, has been convicted in a court of record of a violation of the narcotic drug laws of the United States, the District of Columbia, or any State or Territory of the United States, which conviction has become final; or

(2) any person who, unless he furnishes satisfactory evidence that he is cured, has ever been a user of or addicted to the use of a narcotic drug; and

(b) take action, based on a hearing before a Coast Guard examiner, under hearing procedures prescribed by the Administrative Procedure Act, as amended, to revoke the seaman's document of—

(1) any person who, subsequent to July 15, 1954, and within ten years prior to the institution of the action, has been convicted in a court of record of a violation of the narcotic drug laws of the United States, District of Columbia, or any State or Territory of the United States, the revocation to be subject to the conviction's becoming final; or

(2) any person who, unless he furnishes satisfactory evidence that he is cured, has been, subsequent to July 15, 1954, a user of or addicted to the use of a narcotic drug.

SUBCHAPTER 6B.—DECK OFFICERS, INCLUDING PILOTS**Licenses of captains****46 U.S.C. 226 (R.S. 4439)**

Whenever any person applies to be licensed as master of any steam vessel, or of a sail vessel of over seven hundred tons, the Coast Guard shall make diligent inquiry as to his character, and shall carefully examine the applicant as well as the proofs which he presents in support of his claim, and if it is satisfied that his capacity, experience, habits of life, and character are such as warrant the belief that he can safely be intrusted with the duties and responsibilities of the station for which he makes application, it shall grant him a license authorizing him to discharge such duties on any such vessel for the term of five years; but such license shall be suspended or revoked upon satisfactory proof of bad conduct, intemperate habits, incapacity, inattention to his duties, or the willful violation of any provisions of title 52 of the Revised Statutes applicable to him.

Licenses of mates**46 U.S.C. 228 (R.S. 4440)**

Whenever any person applies for authority to be employed as chief mate of ocean or coastwise steam vessels or of sail vessels of over seven hundred tons, or as second or third mate of ocean or coastwise steam vessels, who shall have charge of a watch, or whenever any person applies for authority to be employed as mate of river steamers, the Coast Guard shall require satisfactory evidence of the knowledge, experience, and skill of the applicant in lading cargo and in handling and stowage of freight, and if for license as chief mate on ocean or coastwise steamers, or of sail vessels of over seven hundred tons, or as second or third mate of ocean or coastwise steamers, who shall have charge of a watch, shall also examine him as to his knowledge and ability in navigation and managing such vessels and all other duties pertaining to his station, and if satisfied of his qualifications and good character it shall grant him a license authorizing him to perform such duties for the term of five years upon the waters upon which he is found qualified to act; but such license shall be suspended or revoked upon satisfactory proof of bad conduct, intemperate habits, unskillfulness, or want of knowledge of the duties of his station or the willful violation of any provision of title 52 of the Revised Statutes.

Licenses of pilots of steam vessels**46 U.S.C. 214 (R.S. 4442)**

Whenever any person claiming to be a skillful pilot of steam vessels offers himself for a license, the Coast Guard shall make diligent inquiry as to his character and merits, and if satisfied from personal examination of the applicant, with the proof that he offers that he possesses the requisite knowledge and skill, and is trustworthy and faithful, it shall grant him a license for the term of five years to pilot any such vessel within the limits prescribed in the license; but such license shall be suspended or revoked upon satisfactory evidence of

negligence, unskillfulness, inattention to the duties of his station, or intemperance, or the willful violation of any provision of title 52 of the Revised Statutes.

Licenses of captains or mates as pilots

46 U.S.C. 230 (R.S. 4443)

Where the master or mate is also pilot of the vessel, he shall not be required to hold two licenses to perform such duties, but the license issued shall state on its face that he is authorized to act in such double capacity.

State regulations as to licenses of pilots of steam vessels and pilot charges

46 U.S.C. 215 (R.S. 4444)

No State or municipal government shall impose upon pilots of steam vessels any obligation to procure a State or other license in addition to that issued by the United States, or any other regulation which will impede such pilots in the performance of the duties required by title 52 of the Revised Statutes; nor shall any pilot charges be levied by any such authority upon any steamer piloted as provided by title 52 of the Revised Statutes; and in no case shall the fees charged for the pilotage of any steam vessel exceed the customary or legally established rates in the State where the same is performed. Nothing in title 52 of the Revised Statutes shall be construed to annul or affect any regulation established by the laws of any State, requiring vessels entering or leaving a port in any such State, other than coastwise steam vessels, to take a pilot duly licensed or authorized by the laws of such State, or of a State situate upon the waters of such State.

Regulation of Great Lakes pilots and pilotage; definitions

46 U.S.C. 216

As used in this chapter:

(a) "Great Lakes" means Lakes Superior, Michigan, Huron, Erie, and Ontario, their connecting and tributary waters, the St. Lawrence River as far east as St. Regis, and adjacent port areas.

(b) "Secretary" means the Secretary of Commerce.

(c) "United States registered pilot" means a person, other than a member of the regular complement of a vessel, who holds an unlimited master's license authorizing navigation on the Great Lakes and suitably endorsed for pilotage on routes specified therein, issued by the head of the department in which the Coast Guard is operating under regulations issued by him, and is registered by the Secretary as provided in section 216b of this title.

(d) "Canadian registered pilot" means a person, other than a member of the regular complement of a vessel, who holds a master's certificate or equivalent license authorizing navigation on the Great Lakes and pilotage on routes specified therein, issued by the appropriate agency of Canada, and is registered by a designated agency of Canada on substantially the same basis as registration by the Secretary under the provisions of section 216b of this title.

(e) "Other officer" means the master or any other member of the regular complement of the vessel concerned who is qualified for the navigation of the Great Lakes waters described in section 216a(b) of this title and who is either licensed by the head of the Department in which the Coast Guard is operating under regulations issued by him or certificated by an appropriate agency of Canada.

(f) "Foreign vessels" means all foreign merchant vessels except Canadian vessels whose operations are exclusively upon the Great Lakes or between ports in the Great Lakes and the St. Lawrence River, or whose operations while predominantly as aforesaid fail of being exclusively so only because of an occasional voyage to a port or ports in the maritime provinces of Canada in the Canadian coastal trade.

Pilot requirement [Great Lakes]

46 U.S.C. 216a

(a) The President shall designate and by proclamation announce those United States waters of the Great Lakes in which registered vessels of the United States and foreign vessels shall be required to have in their service a United States registered pilot or a Canadian registered pilot for the waters concerned, who shall, subject to the customary authority of the master, direct the navigation of the vessel in those waters. These designations shall be made with due regard to the public interest, the effective utilization of navigable waters, marine safety, and the foreign relations of the United States.

(b) In those United States waters of the Great Lakes which are not designated by the President in accordance with subsection (a) of this section, there shall be on board registered vessels of the United States and foreign vessels, a United States registered pilot or Canadian registered pilot or other officer qualified for the waters concerned who shall be available to direct the navigation of the vessel in such undesignated waters at the discretion of and subject to the customary authority of the master.

(c) The authority extended in subsections (a) and (b) of this section to Canadian registered pilots or to other officers certified by Canada to serve on registered vessels of the United States and foreign vessels in United States waters of the Great Lakes shall be in effect only so long as Canada extends reciprocity to the United States registered pilots or to other officers licensed by the United States, in regard to requirements established for the pilotage of Canadian waters of the Great Lakes.

Registration of United States pilots

46 U.S.C. 216b

(a) The registration of United States pilots shall be carried out by the Secretary under such regulations as to qualifications, terms, and conditions which will assure adequate and efficient pilotage service, provide for equitable participation of United States registered pilots with Canadian registered pilots in the pilotage of vessels to which this chapter applies, and provide fair and reasonable opportunity for registration. Each applicant must, as a prerequisite,

be the holder of an appropriate master's license as described in section 216(c) of this title. In addition, the qualifications, terms, and conditions to be met by each applicant shall include, but not be limited to, availability for service when required and agreement to comply with all applicable regulations issued by the Secretary pursuant to this chapter. Such qualifications, terms, and conditions shall not include matters relating to a pilot's professional competency nor be inconsistent with his duties under the license issued to him by the Coast Guard, which matters shall remain the responsibility of the Coast Guard.

(b) The Secretary shall issue documentary evidence of registration to United States registered pilots and such evidence shall be in their possession at all times when in the service of a vessel. Further, this evidence of registration shall describe the part or parts of the Great Lakes within which the holder is authorized to perform pilotage under this chapter and such description shall not be inconsistent with the terms of the pilotage authorization in his license.

(c) The Secretary shall establish by regulation the period of validity of registration of United States registered pilots. When the Secretary determines on the record, after notice and opportunity for a hearing, that a United States registered pilot has violated any regulation pursuant to this chapter, he may revoke or suspend the registration of such pilot. The basis for such revocation or suspension of a pilot's registration shall not extend to or include matters which may be the basis for revocation or suspension of his license by the Coast Guard under section 239 of this title, or under any other law or regulation administered or prescribed by the Coast Guard, except that upon revocation or suspension by the Coast Guard the Secretary shall revoke or suspend the pilot's registration. The Secretary shall advise the Coast Guard of the name and Coast Guard license number of each pilot who has been registered or whose registration has been revoked or suspended. The Coast Guard shall advise the Secretary of the name of any registered pilot whose license has been revoked or suspended.

(d) The Secretary is authorized to enter into arrangements with an appropriate agency of Canada for equitable participation by the United States registered pilots with Canadian registered pilots in the pilotage services required by both countries for vessels navigating the Great Lakes. To that end, the Secretary is further authorized to arrange with an appropriate agency of Canada for the number of pilots who shall be registered in each country.

(e) Notwithstanding the provisions of any other law, the Secretary may authorize the formation of a pool or pools by a voluntary association or associations of United States registered pilots to provide such arrangements and facilities as may be necessary or desirable for the efficient dispatching of vessels and rendering of pilotage services required under the provisions of this chapter. The Secretary may—

(i) establish such rules and regulations for the operation of a pool or pools as he may deem necessary;

(ii) require that pooling be coordinated on a reciprocal basis

with similar arrangements established by the appropriate agency of Canada;

(iii) limit the number of pools;

(iv) audit and inspect the administration and operation of a pool or pools;

(v) prescribe uniform systems of accounts for a pool or pools.

Rates, charges, conditions, and terms for services

46 U.S.C. 216c

(a) The Secretary is authorized and directed to establish by regulations the rates, charges, and any other conditions or terms for services performed by registered pilots to meet the provisions of this chapter.

(b) The Secretary is authorized to arrange with the appropriate agency of Canada for the establishment of joint or identical rates, charges, and any other conditions or terms for services by registered pilots in the waters of the Great Lakes.

(c) The rates, charges, and any other conditions or terms for pilotage services by registered pilots established by the Secretary in accordance with subsections (a) and (b) of this section shall be fair and equitable, giving due consideration to the public interest and the reasonable cost and expense of providing and maintaining such facilities and arrangements as are required for the efficient performance of pilotage services in accordance with the provisions of this chapter.

Arrangements between the United States and Canada subject to concurrence of Secretary of State

46 U.S.C. 216d

Any written arrangements between the Secretary and the appropriate agency of Canada under the provisions of this chapter shall be subject to the concurrence of the Secretary of State.

Violations; civil penalties; enforcement

46 U.S.C. 216e

(a) Any owner, master, or person in charge of a vessel subject to this chapter who permits the navigation of the vessel by a person not a registered pilot in the waters designated by the President pursuant to section 216a(a) of this title or who permits the navigation of the vessel without having on board a registered pilot or other officer in the waters described in section 216a(b) of this title shall be liable to the United States in a civil penalty not exceeding \$500 for each violation, for which sum the vessel shall be liable and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction thereof. Each day the vessel shall be so navigated shall constitute a separate violation. This subsection shall be enforced by the head of the Department in which the Coast Guard is operating.

(b) Any person, not a registered pilot, who directs the navigation of a vessel subject to this chapter in the waters designated by the President pursuant to section 216a(a) of this title, shall be subject to a civil penalty in an amount not exceeding \$500 for each violation.

Each day such person so directs the navigation of such vessel shall constitute a separate violation. This subsection shall be enforced by the head of the Department in which the Coast Guard is operating.

(c) A person who violates any regulation issued pursuant to sections 216b and 216c of this title shall be liable to the United States in a civil penalty not exceeding \$500 for each violation. The provisions of this subsection shall be enforced by the Secretary, who may, upon application therefor, remit or mitigate the penalty provided for herein, upon such terms as he, in his discretion, shall think proper.

Operation without registered pilots

46 U.S.C. 216f

Notwithstanding any other provision of this chapter, a vessel may be navigated in the United States waters of the Great Lakes without a United States or Canadian registered pilot when—

(a) the Secretary, or his designee, with the concurrence of the head of the Department in which the Coast Guard is operating, or his designee, notifies the master that a United States or Canadian registered pilot is not available, or

(b) the vessel or its cargo is in distress or jeopardy.

State regulation of pilots prohibited; other laws applicable; laker vessels

46 U.S.C. 216g

(a) No State, municipal, or other local authority shall have any power to require the use of pilots or to regulate any aspect of pilotage in any of the waters specified in this chapter.

(b) Nothing in this chapter shall apply to any vessel of the United States which, in its navigation of waters to which this chapter is applicable, is required by any other Act to have in its service and on board pilots or other navigating officers licensed by the United States for such waters.

(c) The exceptions in section 216f of this title applying to Canadian vessels shall be effective only so long as Canada permits enrolled vessels of the United States to be navigated on Canadian waters of the Great Lakes solely by qualified officers licensed by the head of the Department in which the Coast Guard is operating.

Advisory committee

46 U.S.C. 216h

(a) The Secretary is authorized to appoint an Advisory Committee of three public members, each of whom shall have had at least five years of practical experience in maritime operations. The term for which a member may be appointed or reappointed shall not exceed five years.

(b) The Advisory Committee shall meet at the call of the Secretary. The Advisory Committee may review proposed pilotage regulations and policies and make such recommendations as are deemed appropriate.

(c) Members of the Advisory Committee shall be compensated at a rate not exceeding \$75 per day when actually engaged in the per-

formance of their duties, together with their necessary travel expenses while going to and from meetings and when engaged on business at the call of the Secretary.

Use of Federal agency facilities on reimbursable basis

46 U.S.C. 216i

The Secretary may use, with their consent, the available services, equipment, personnel, and facilities of agencies and instrumentalities of the Federal Government on a reimbursable basis when appropriate.

SUBCHAPTER 6C.—ENGINEERS

Licenses of engineers**46 U.S.C. 229 (R.S. 4441)**

Whenever any person applies for authority to perform the duties of engineer of any steam vessel, the Coast Guard shall examine the applicant as to his knowledge of steam machinery and his experience as an engineer, and also the proofs which he produces in support of his claim; and if, upon full consideration, it is satisfied that his character, habits of life, knowledge, and experience in the duties of an engineer are all such as to authorize the belief that he is a suitable and safe person to be intrusted with the powers and duties of such a station, it shall grant him a license, authorizing him to be employed in such duties for the term of five years, in which it shall assign him to the appropriate class of engineers; but such license shall be suspended or revoked upon satisfactory proof of negligence, unskillfulness, intemperance, or the willful violation of any provision of title 52 of the Revised Statutes. Whenever complaint is made against any engineer holding a license authorizing him to take charge of the boilers and machinery of any steamer, that he has, through negligence or want of skill, permitted the boilers in his charge to burn or otherwise become in bad condition, or that he has not kept his engine and machinery in good working order, it shall be the duty of the Coast Guard, upon satisfactory proof of such negligence or want of skill, to revoke the license of such engineer and assign him to a lower grade or class of engineers, if it finds him fitted therefor.

SUBCHAPTER 6D.—RADIO OFFICERS

NOTE.—The provisions of 46 U.S.C. 229a–229h in the act of May 12, 1948, contain references to laws repealed by Reorganization Plan No. 3 of 1946 and to officials whose functions are now administered by the United States Coast Guard.

Licenses of radiotelegraph operators as officers**46 U.S.C. 229a**

Whenever the complement of any vessel prescribed pursuant to section 222 of this title includes one or more radiotelegraph operators such operators shall be required to be licensed officers.

Licenses of radiotelegraph operators as officers; granting of licenses; necessity of carrying licensed officer; penalty**46 U.S.C. 229b**

The boards of local inspectors authorized under section 4414 of the Revised Statutes shall license radiotelegraph operators, and it shall be unlawful to employ any person or for any person to serve as a radiotelegraph operator of any steamer or of any other vessel of over 100 gross tons carrying passengers for hire who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of \$100 for each offense.

Licenses of radiotelegraph operators as officers; requirements for obtaining license; period of validity; suspension**46 U.S.C. 229c**

Whenever any person applies for authority to perform the duties of radiotelegraph operator of any vessel, the inspectors shall require possession of a valid first- or second-class radiotelegraph operator license issued by the Federal Communications Commission; and if, upon full consideration, they are satisfied that his character, habits of life, and physical condition are such as to authorize the belief that he is a suitable and safe person to be entrusted with the powers and duties of such a station, they shall grant him a license, authorizing him to be employed in such duties for the term of 5 years, provided he continues to hold a valid first- or second-class radiotelegraph operator license issued by the Federal Communications Commission.

All licenses issued under this section shall be subject to suspension or revocation on the same grounds and in the same manner and with like procedure as is provided in the case of suspension or revocation of license of officers under the provisions of section 239 of this title.

Licenses of radiotelegraph operators as officers; working hours unaffected**46 U.S.C. 229d**

Nothing in sections 229a–229h of this title shall be presumed to repeal the provisions of section 673 of this title, limiting the work of radiotelegraph operators to eight hours in one day.

Licenses of radiotelegraph operators as officers; oath; affirmation of application; perjury; penalty**46 U.S.C. 229e**

Every radiotelegraph operator who receives a license shall, before entering upon his duties, make oath before one of the inspectors herein provided for, to be recorded with the certificate, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law.

Every applicant for license as radiotelegraph operator under the provisions of sections 229a-229h and 673 of this title shall make and subscribe to an oath or affirmation, before one of the inspectors referred to in this act, to the truth of all the statements set forth in his application for such license.

Any person who shall make or subscribe to any oath or affirmation authorized in this act and knowing the same to be false shall be deemed guilty of perjury.

Every radiotelegraph operator, who shall change, by addition, interpolation, or erasure of any kind, any certificate or license issued by an inspector or inspectors referred to in this act shall, for every such offense, upon conviction, be punished by a fine of not more than \$500 or by imprisonment at hard labor for a term not exceeding three years.

Licenses of radiotelegraph operators as officers; exhibition of license**46 U.S.C. 229f**

Every radiotelegraph operator who shall receive a license shall, when employed upon any vessel, within forty-eight hours after going on duty, place his certificate of license, which shall be framed under glass, in some conspicuous place in such vessel, where it can be seen by passengers and others at all times: *Provided*, That in case of emergency such radiotelegraph operator may be transferred to another vessel of the same owners for a period not exceeding forty-eight hours without the transfer of his license; and for every neglect to comply with this provision by any such radiotelegraph operator, he shall be subject to a fine of \$100 or to the revocation of his license.

Licenses of radiotelegraph operators as officers; Great Lakes operators unaffected**46 U.S.C. 229g**

Nothing in sections 229a-229h of this title shall affect the status of radiotelegraph operators while serving aboard vessels operating solely on the Great Lakes.

Licenses of radiotelegraph operators as officers; number of operators to be carried unaffected**46 U.S.C. 229h**

Nothing in sections 229a-229h of this title shall increase the number of radiotelegraph operators at present required by law to be carried on vessels, or the type of vessels on which radiotelegraph operators are required to be carried, or to alter, repeal, modify, or affect any other statute of the United States, it being the only intent of this act to give to radiotelegraph operators the status of licensed officers as herein provided without affecting in any way any statute of the United States except as specifically hereinbefore authorized.

SUBCHAPTER 6E.—STAFF OFFICERS

Registration of pursers and surgeons; creation of staff departments on vessels; medical division; purser's division**46 U.S.C. 242**

There shall be registered staff officers in the United States merchant marine in the following grades: (1) Chief purser, (2) purser, (3) senior assistant purser, (4) junior assistant purser, (5) surgeon, and (6) professional nurse. The Commandant of the Coast Guard (in sections 242-248 of this title called the Commandant) shall register, and issue certificates of registry to, qualified individuals applying for registry in such grades, as hereinafter provided, and every such individual when so registered and serving in the staff department on a vessel of the United States shall rank as a staff officer on such vessel. Officers registered under the provisions of sections 242-248 of this title and pursers' clerks and such persons as may be assigned to the senior registered surgeon shall constitute a separate and independent department on vessels of the United States to be known as the staff department. Such staff department shall be composed of a medical division and a purser's division. The medical division shall be under the charge of the senior registered surgeon on such vessel, who shall be responsible solely to the master. The purser's division shall be under the charge of the senior registered purser on such vessel, who shall be responsible solely to the master. On oceangoing vessels licensed to carry more than one hundred passengers, such officer in charge of the purser's division of the staff department shall be a registered chief purser; and whenever more than three persons are employed in the purser's division of the staff department of such vessels, there shall be a minimum of one registered senior assistant purser and one registered junior assistant purser in such purser's division of that staff department. No person shall be eligible for registry as a staff officer under the provisions of sections 242-248 of this title who is not a citizen of the United States.

Registration of pursers and surgeons; creation of staff departments on vessels; medical division; purser's division; qualifications**46 U.S.C. 243**

No applicant for registry under the provisions of sections 242-248 of this title shall be required to take an examination to qualify therefor, but the Commandant shall require satisfactory proof of good character, citizenship, and such minimum periods of service as he shall deem necessary to establish the requisite knowledge, skill, and experience to qualify applicants for the respective stations. Applicants for registry as surgeon or professional nurse shall be required to possess a valid license as physician and surgeon or registered nurse issued under the authority of a State or Territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia.

Registration of pursers and surgeons; creation of staff departments on vessels; medical division; purser's division; oath or affirmation

46 U.S.C. 244

Each staff officer receiving a certificate of registry under the provisions of sections 242-248 of this title shall make oath or affirmation before an officer empowered to administer oaths, to be designated by the Commandant, that he will faithfully and honestly perform all the duties required of him by law. No such staff officer shall be required to obtain any other certificate of service or efficiency or behavior as a condition of service in such capacity other than as herein provided.

Registration of pursers and surgeons; creation of staff departments on vessels; medical division; purser's division; members of Naval Reserve, insignia

46 U.S.C. 245

(a) Staff officers registered under the provisions of sections 242-248 of this title who are members of the Naval Reserve shall wear on their uniforms such special distinguishing insignia as may be approved by the Secretary of the Navy.

(b) The uniform stripes, decoration, or other insignia to be worn by such officers shall be of gold braid or woven gold or silver material, and no member of the ship's crew other than such staff officers shall be allowed to wear any uniform with such staff officer's identifying insignia.

Registration of pursers and surgeons; creation of staff departments on vessels; medical division; purser's division; offenses; penalties; Great Lakes.

46 U.S.C. 246

(a) It shall be unlawful to employ any person or for any person to serve in any grade or perform the duties of any grade specified in section 242 of this title on any such vessel of the United States designated therein unless he shall be in bona fide possession of a certificate of registry, issued under the provisions of sections 242-248 of this title, as an officer in such grade; and anyone violating this provision shall be liable to a penalty of \$100 for each offense: *Provided*, That in the event no registered staff officer is available and obtainable at the time of sailing, the vessel may sail with an unregistered staff officer or without any staff officer: *Provided further*, That such staff officer shall not be included in the vessel's inspection certificate.

(b) Any staff officer registered under the provisions of sections 242-248 of this title who shall change by addition, interpolation, or erasure of any kind, any certificate of registry referred to in this section shall have his registry and his certificate of registry revoked and be punished by a fine of not more than \$100: *Provided*, That the provisions of said sections shall not apply to any vessel of the United States operated on bays, sounds, inland waterways, and lakes,

other than the Great Lakes, or to passenger ferries and car ferries operated on the Great Lakes.

(c) Any registry or certificate of registry issued under the authority of sections 242-248 of this title to any staff officer shall be suspended or revoked upon satisfactory proof of bad conduct, inattention to his duties, or the willful violation of any provisions of said sections applicable to him, in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses of officers under the provisions of section 239 of this title.

Registration of pursers and surgeons; creation of staff departments on vessels; medical divisions; purser's division; rules and regulations

46 U.S.C. 247

The Commandant of the Coast Guard shall prescribe rules and regulations to carry out the provisions of sections 242-248 of this title.

Registration of pursers and surgeons; creation of staff departments on vessels; medical divisions; vessel of the United States defined

46 U.S.C. 248

As used in sections 242-248 of this title the term "vessel of the United States" shall mean any vessel registered, enrolled, or licensed under the laws of the United States, but shall not include a fishing or whaling vessel or yacht.

SUBCHAPTER 6F.—MERCHANT SEAMEN

Continuous discharge book and certificate of identification

46 U.S.C. 643 (R.S. 4551)

(a) Every seaman upon a merchant vessel of the United States of the burden of one hundred gross tons or upward, except vessels employed exclusively in trade on the navigable rivers of the United States, shall be furnished, at the option of the seaman, with a book to be known as a continuous discharge book or with a certificate of identification, which book or certificate shall be retained by the seaman and shall contain the signature of the seaman to whom it is so furnished and a statement of his nationality, age, personal description, photograph, thumbprint, and home address. Such books or certificates shall be issued by the Coast Guard officials to whom the duties of shipping commissioners have been delegated, or, at ports where no such Coast Guard officials have been appointed, by collectors or deputy collectors of customs, in such manner and form as the Commandant of the Coast Guard shall determine. Any individual, firm, partnership, corporation, or association which shall issue any such book or certificate, or make any statement or endorsement therein, except as authorized by the provisions of this section, or issue any imitation of any such book or certificate, shall be deemed guilty of a misdemeanor and shall be imprisoned not less than one month nor more than three months, in the discretion of the court.

(b) Any person applying for such book or certificate and claiming to be a citizen of the United States shall furnish satisfactory evidence of such citizenship.

(c) No seaman shall be employed on any vessel to which this section applies until he has exhibited a certificate of identification or a continuous discharge book to the Coast Guard officials to whom the duties of shipping commissioner have been delegated, or in cases where seamen are not signed on before such Coast Guard official, to the master of the vessel: *Provided*, That the provisions of this subsection shall not apply to the employment of seamen at a foreign port or place, in which case seamen so employed shall be furnished a continuous discharge book or a certificate of identification, in accordance with the provisions of subsection (a) of this section, at the first port of entry in the United States or its territories at which the vessel arrives after such seamen are so employed.

(d) Upon the discharge of any seaman and the payment of his wages, the Coast Guard official to whom the duties of shipping commissioner have been delegated shall enter in the continuous discharge book of such seaman, if the seaman carries such a book, the name and official number of the vessel, the nature of the voyage (foreign, intercoastal, or coastwise), the class to which the vessel belongs (steam, motor, sail, or barge), the date and place of the shipment and of the discharge of such seaman, the rating (capacity in which employed) then held by such seaman, and the signature of the person making such entries and nothing more.

(e) For the purpose of furnishing evidence of sea service in the case of seamen preferring the certificate of identification instead of

the continuous discharge book, the Coast Guard shall provide a certificate of discharge, printed on durable paper, in such form as to specify the name and citizenship of the seaman to whom it is issued, the serial number of his certificate of identification, the name and official number of the vessel, the nature of the voyage (foreign, inter-coastal or coastwise), the class to which the vessel belongs (steam, motor, sail, or barge), the date and place of the shipment and of the discharge of such seaman, and the rating (capacity in which employed) then held by such seaman. Records of service entered in either continuous discharge books or certificates of discharge shall contain no reference to the character or ability of the seaman. The Coast Guard official to whom the duties of shipping commissioner have been delegated shall issue such certificate of discharge and make the proper entries therein, which certificate shall be signed by the seaman to whom it is issued and the master of the vessel and shall be witnessed by such Coast Guard official.

(f) There shall be maintained in the Coast Guard, District of Columbia, a record of every continuous discharge book, certificate of identification, certificate of discharge, and any other certificate issued by the Coast Guard, together with the name and address of the seaman to whom it is issued and of his next of kin, and certified copies of all entries made in continuous discharge books or certificates of discharge, which entries shall be forwarded to the Coast Guard by the Coast Guard official to whom the duties of shipping commissioner have been delegated or other person making such entries in accordance with the provisions of this section. Records so maintained shall not be open for general or public use or inspection.

(g) Any person, partnership, company, or corporation who shall require any seaman employed or applying for employment to possess, produce, or carry a continuous discharge book, if and when such seaman possesses or carries an identification certificate, or to carry an identification certificate, if and when such seaman possesses and carries a continuous discharge book, or who shall exchange or give to any other person, partnership, company, or corporation information to cause discrimination against a seaman for electing to carry either an identification certificate or a continuous discharge book, or to prevent a seaman from obtaining employment on that account, shall be deemed guilty of a misdemeanor; and, on conviction thereof, shall be punishable by a fine of not more than \$1,000 or imprisonment for not more than one year, at the discretion of the court.

Seamen shall apply for certificates of identification or continuous discharge books hereunder; and if any application contains any statement known by the applicant to be false, he shall be deemed guilty of a misdemeanor and, on conviction thereof before any district court of the United States, shall be fined not more than \$1,000 or imprisoned for not more than one year, in the discretion of the court.

(h) In case of the loss of a continuous discharge book, a certificate of identification, or of any certificate of discharge by shipwreck or other casualty, the seaman shall be supplied with a duplicate of such continuous discharge book, certificate of identification, or certificate of discharge in which shall be entered all data that may be

available from the copies of records kept by the Coast Guard. In other cases of loss the seaman may obtain a duplicate of such continuous discharge book, certificate of identification, or certificates of discharge, containing the same entries, upon a payment of a sum equivalent to the cost thereof to the Government to be determined from time to time by the Commandant of the Coast Guard.

(i) The provisions of this section shall not apply to fishing or whaling vessels or yachts.

(j) The Commandant of the Coast Guard shall enforce this section as to all vessels of the United States subject to the provisions hereof through collectors of customs and other Government officers acting under the direction of the Coast Guard, and shall make such rules and regulations as he may deem necessary to carry out the provisions of this section.

(k) Where vessels are required to sign on and discharge the crew before a Coast Guard official to whom the duties of shipping commissioner have been delegated and no Coast Guard official is appointed or is available the functions and duties required by subsections (d) and (e) of this section to be performed by such Coast Guard official may be performed by a collector or deputy collector of customs; and where vessels are not required to sign on and discharge the crew before such Coast Guard official the duties and functions required by subsections (d) and (e) of this section to be performed by such Coast Guard official shall be performed by the master of such vessel. Any master who shall fail to perform such duties or functions shall be fined in the sum of \$50 for each offense.

(l) The master of every vessel subject to the provisions of this section shall submit, over his signature, reports to the Coast Guard of the employment, discharge, or termination of services of every seaman not shipped or discharged before a Coast Guard official to whom the duties of shipping commissioner have been delegated, which reports shall contain such of the following information as may be required by regulation of the Commandant of the Coast Guard: (1) name of vessel, official number, voyage number, port, date, description of voyage, name in full of each seaman, number of continuous discharge book or certificate of identification and of license, certificate of registry, or service, and efficiency for rating in which employed, age, citizenship, capacity in which engaged, date and place of engagement, date and place of discharge or separation from service of vessel, the percentage of citizens of the United States in the crew, and name in full of the master and the serial number of his license; (2) a statement showing (a) that the master has entered into an agreement with each seaman on board such vessel as required by law; (b) that at least 65 per centum of the deck crew (exclusive of licensed officers) are of a rating not less than able seamen; (c) that at least 75 per centum of the crew in each department are able to understand orders given by the officers; (d) that the vessel has in her service the number of lifeboatmen required by her certificate of inspection; (e) that each member of the crew possesses a license, certificate of registry, or certificate of service for the rating in which he is engaged, and (f) that each lifeboatman possesses a certificate of efficiency. The Commandant of the Coast Guard shall,

by regulation, prescribe the form and content of such reports and time of submitting them. This subsection shall not apply to any ferry or any tug used in connection with a ferry operation, if such ferry or tug is employed exclusively in trade on the Great Lakes, lakes (other than the Great Lakes), bays, sounds, bayous, canals, and harbors, and is not engaged on an international voyage. Any master who shall violate any provision of this subsection or regulations established hereunder shall be subject to a penalty of \$500.

Continuous discharge book and certificate of identification; extension of section 643(b) to other vessels and waters in national interest

46 U.S.C. 643b

The President is hereby authorized, whenever in his judgment the national interest requires, to extend the provisions of subsection (1) of section 643 of this title, to such additional class or classes of vessels and to such waters as he may designate.

Continuous discharge book and certificate of identification; exception as to unrigged vessels

46 U.S.C. 643a

Provisions of section 643 of this title shall not apply to unrigged vessels except seagoing barges.

Requirements, qualifications, and regulations as to crews

46 U.S.C. 672(a)

No vessel of one hundred tons gross and upward, except those navigating rivers exclusively and the smaller inland lakes and except as provided in section 569 of this title, shall be permitted to depart from any port of the United States unless she has on board a crew of not less than 75 per centum of which, in each department thereof, are able to understand any order given by the officers of such vessel, nor unless 65 per centum of her deck crew, exclusive of licensed officers and apprentices, are of a rating not less than able seamen. Every person shall be rated an able seaman, and qualified for service as such on the seas, who is nineteen years of age or upward, and has had at least three years' service on deck at sea or on the Great Lakes, on a vessel or vessels to which this section applies, including decked fishing vessels, and vessels in United States Government service; and every person shall be rated an able seaman, and qualified to serve as such on the Great Lakes and on the smaller lakes, bays, or sounds who is nineteen years of age or upward and has had at least eighteen months' service on deck at sea or on the Great Lakes or on the smaller lakes, bays, or sounds, on a vessel or vessels to which this section applies, including decked fishing vessels and vessels in the United States Government service; and graduates of school ships approved by and conducted under rules prescribed by the Commandant of the Coast Guard may be rated able seamen upon graduation in good standing from said schools ships; *Provided*, That no boy shall be shipped on any vessel

to which this section applies unless he meets the physical qualifications contained in regulations to be prescribed by the Commandant of the Coast Guard and that no boy shall be placed on the lookout or at the wheel except for the purpose of learning, and that in narrow and crowded waters or in low visibility none below the rating of able seaman shall be permitted at the wheel: *Provided further*, That no deck boy shall be held qualified to fill the place of ordinary seaman until he has had at least six months' service as deck boy: *Provided further*, That upon examination, under rules prescribed by the Coast Guard as to eyesight, hearing, and physical condition, such persons or graduates are found to be competent: *Provided further*, That upon examination, under rules prescribed by the Coast Guard as to eyesight, hearing, physical condition, and knowledge of the duties of seamanship, a person found competent may be rated as able seaman after having served on deck twelve months at sea or on the Great Lakes, but seamen examined and rated able seamen under this proviso shall not in any case compose more than one-fourth of the number of able seamen required by this section to be shipped or employed upon any vessel.

Certificate of service as able seaman

46 U.S.C. 672(b)

Application may be made to the Coast Guard for a certificate of service as able seaman, and upon proof being made to the Coast Guard by affidavit and examination, under rules approved by the Commandant of the Coast Guard, showing the nationality and age of the applicant, the vessel or vessels on which he has had service, that he is skilled in the work usually performed by able seamen, and that he is entitled to such certificate under the provisions of this section, the Coast Guard shall issue to said applicant a certificate of service as able seaman, which shall be retained by him and be accepted as prima-facie evidence of his rating as an able seaman.

Exception to section 672; certain persons as able seamen

46 U.S.C. 672-2

Notwithstanding any provision of section 672 of this title, every person may be rated as an able seaman for the purpose of serving on vessels of not more than five hundred gross tons, on bays and sounds, when such vessels are not carrying passengers, who is nineteen years of age and upward and who has had at least twelve months of service on deck at sea or on the Great Lakes or on the bays and sounds connected directly with the sea.

Exception to section 672; seagoing barges

46 U.S.C. 672b-1

Notwithstanding any provision of section 672 of this title, every person may be rated as an able seaman for the purpose of serving on seagoing barges who is nineteen years of age and upward, and who has had at least twelve months of service on deck at sea or on the Great Lakes or on the bays and sounds connected directly with the seas.

Certification of Able Seamen Convention, 1946

The General Conference of the International Labor Organization, Having been convened at Seattle by the Governing Body of the International Labor Office, and having met in its Twenty-eighth Session on 6 June 1946, and

Having decided upon the adoption of certain proposals with regard to the certification of able seamen, which is included in the fifth item on the agenda of the Session, and

Having determined that these proposals shall take the form of an International Convention,

adopts this twenty-ninth day of June of the year one thousand nine hundred and forty-six the following Convention, which may be cited as the Certification of Able Seamen Convention, 1946:

ARTICLE 1

No person shall be engaged on any vessel as an able seaman unless he is a person who by national laws or regulations is deemed to be competent to perform any duty which may be required of a member of the crew serving in the deck department (other than an officer or leading or specialist rating) and unless he holds a certificate of qualification as an able seaman granted in accordance with the provisions of the following articles.

ARTICLE 2

1. The competent authority shall make arrangements for the holding of examinations and for the granting of certificates of qualification.

2. No person shall be granted a certificate of qualification unless—

(a) He has reached a minimum age to be prescribed by the competent authority;

(b) He has served at sea in the deck department for a minimum period to be prescribed by the competent authority; and

(c) He has passed an examination of proficiency to be prescribed by the competent authority.

3. The prescribed minimum age shall not be less than eighteen years.

4. The prescribed minimum period of service at sea shall not be less than thirty-six months: Provided that the competent authority may—

(a) Permit persons with a period of actual service at sea of not less than twenty-four months who have successfully passed through a course of training in an approved training school to reckon the time spent in such training, or part thereof, as sea service; and

(b) Permit persons trained in approved seagoing training ships who have served eighteen months in such ships to be certificated as able seamen upon leaving in good standing.

5. The prescribed examination shall provide a practical test of the candidate's knowledge of seamanship and of his ability to carry out effectively all the duties that may be required of an able seaman, including those of a lifeboatman: it shall be such as to qualify a successful candidate to hold the special lifeboatman's certificate provided for in Article 22 of the International Convention for the Safety of Life at Sea, 1929, or in the corresponding provision of any subsequent Con-

vention (section 141 of this volume) revising or replacing that Convention for the time being in force for the territory concerned.

ARTICLE 3

A certificate of qualification may be granted to any person who, at the time of the entry into force of this Convention for the territory concerned, is performing the full duties of an able seaman or leading deck rating or has performed such duties.

ARTICLE 4

The competent authority may provide for the recognition of certificates of qualification issued in other territories.

ARTICLE 5

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

ARTICLE 6

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

ARTICLE 7

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention comes into force, by an act communicated to the Director-General of the International Labor Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

ARTICLE 8

1. The Director-General of the International Labor Office shall notify all the Members of the International Labor Organization of the registration of all ratifications and denunciations communicated to him by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

ARTICLE 10

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labor Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

ARTICLE 11

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) The ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 7 above, if and when the new revising Convention shall have come into force;

(b) As from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

ARTICLE 12

The English and French versions of the text of this Convention are equally authoritative.

UNDERSTANDINGS BY THE UNITED STATES GOVERNMENT

The above convention was ratified by the United States Government with the following Understandings:

"It is the understanding of the Government of the United States of America that nothing in this Convention will interfere with the practice in the United States of America of issuing limited certificates as able seamen to persons of less service or training than prescribed in the convention and of the signing of such person, who are considered as holding an intermediate rating which is outside the terms of the convention; and

"It is the understanding of the Government of the United States of America that this Convention shall apply to seagoing vessels only, and for this purpose the words 'seagoing vessel' shall mean a merchant vessel of more than 100 gross tons, which in the usual course of her employment proceeds outside the line dividing the inland waters from the high seas as defined under section 2 of the Act of February 19, 1895, 28 Stat. 672, as amended (U.S.C., title 33, sec. 151)."

Record of certificates of service**46 U.S.C. 672(c)**

Each Coast Guard official shall keep a complete record of all certificates of service issued by him and to whom issued and shall keep on file the affidavits and records of examinations upon which said certificates are issued.

Muster of crew on motion or information; rules and regulations; examination of applicant for certificate of service as able seaman; surrender of certificates; new certificates

46 U.S.C. 672(d)

The collector of customs may upon his own motion, and shall, upon the sworn information of any reputable citizen of the United States setting forth that this section is not being complied with, cause a muster of the crew of any vessel to be made to determine the fact, at which muster said reputable citizen must be present; and no clearance shall be given to any vessel failing to comply with the provisions of this section: *Provided*, That the collector of customs shall not be required to cause such muster of the crew to be made unless said sworn information has been filed with him for at least six hours before the vessel departs, or is scheduled to depart: *Provided further*, That any person that shall knowingly make a false affidavit for such purpose shall be deemed guilty of perjury and upon conviction thereof shall be punished by a fine not exceeding \$500 or by imprisonment not exceeding one year, or by both such fine and imprisonment, within the discretion of the court. Any violation of any provision of this section by the owner, master, or officer in charge of the vessel shall subject the owner of such vessel to a penalty of not less than \$100 and not more than \$500: *Provided further*, That the Commandant of the Coast Guard shall make such rules and regulations as may be necessary to carry out the provisions of this section, and nothing herein shall be held or construed to prevent the Commandant of the Coast Guard from making rules and regulations authorized by law as to vessels excluded from the operation of this section: *And provided further*, That no certificate of service as able seaman shall be issued by the Coast Guard until after examination of the applicant therefor, under rules and regulations prescribed by the Commandant of the Coast Guard as to his efficiency, and upon proof, as a result of such examination, that he has been trained in and is acquainted with the duties entitling him to such rating. No seaman shall be considered as "able seaman" within the meaning of the laws of the United States relating to the manning of vessels unless he is in possession of such certificate issued by the board of local inspectors or the Coast Guard. All certificates as "able seaman" and "lifeboatman" issued by the several boards of local inspectors or other Federal officers prior to June 25, 1936, shall, within six months thereafter, be surrendered to such boards of local inspectors for cancellation, and there shall be issued in lieu thereof to all able seamen and lifeboatmen found qualified by such examination new certificates as required by law: *Provided*, That if due to inability on the part of the Department of Commerce to carry out the provisions of this subsection with regard to all seamen, the Secretary of Commerce may, in his discretion, extend the time for a period not to exceed three months. Such new certificates shall be stamped with the seal of the board of local inspectors or the Coast Guard, placed partially over the signature of the applicant for such certificate; and there shall be attached thereto a photograph of the applicant. Any other safeguards which, in the judgment of the Commandant of

the Coast Guard, may be necessary and advisable to establish the authenticity of the certificate, are hereby authorized.

Members of the engine department

46 U.S.C. 672(e)

No vessel to which this section applies may be navigated unless all of the complement in her engine department above the rating of coal passer or wiper and below the rating of licensed officer shall be holders of a certificate of service as a qualified member of the engine department. The Coast Guard shall, upon application and examination as to competence and physical condition, as prescribed by the Commandant of the Coast Guard, issue such a certificate of service. An applicant for such rating shall produce to such inspectors definite proof of at least six months' service at sea in a rating at least equal to that of coal passer or wiper in the engine department of vessels required by this Act to have such certificated men or proof that he is a graduate of a school ship approved by and conducted under rules prescribed by the Commandant of the Coast Guard.

Rules as to certificates of service or efficiency

46 U.S.C. 672(f)

As to the certificates of service or efficiency, the Commandant of the Coast Guard shall promulgate rules covering the form, contents, and manner of issuance, which shall include a provision that copies of these and all documents pertaining thereto be filed in the local offices and in the central office in Washington.

Certificates of service for other ratings

46 U.S.C. 672(g)

The Coast Guard shall, without examination (except food handlers who must be free from communicable disease), issue to all members of the crews of merchant vessels of the United States (except licensed officers), certificates of service for ratings other than as able seaman or a qualified member of the engine department, which certificates shall authorize them to serve in the capacities specified in such certificates: *Provided*, That such certificates shall not issue before oath has been taken before a Coast Guard official that the applicant therefor will faithfully and honestly perform all the duties required of him by law, and carry out the lawful orders of his superior officers on shipboard and, in the case of a radio operator, shall produce to the Coast Guard his unexpired license issued by the Federal Communications Commission to act in that capacity: *And provided further*, That when a certificate has been revoked or suspended under the provisions of subsection (h) of this section, a new certificate shall not be issued until the Coast Guard shall determine that the issue of such new certificate is compatible with the requirements of good discipline and safety at sea.

Suspension or revocation of certificates of service or efficiency**46 U.S.C. 672(h)**

All certificates of service or efficiency issued by the Bureau of Marine Inspection and Navigation or the Coast Guard shall be subject to suspension or revocation on the same grounds and in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses of officers under the provisions of section 239 of this title.

Penalty for service without certificate of service**46 U.S.C. 672(i)**

It shall be unlawful to employ any person, or for any person to serve aboard any merchant vessel of the United States, below the rating of licensed officer, who has not a certificate of service issued by a board of local inspectors or the Coast Guard and anyone violating this section shall be liable to a penalty of \$100 for each offense.

Freedom of seaman unimpaired**46 U.S.C. 672(k)**

Nothing in this section shall be construed to impose, sanction, or permit any condition of involuntary servitude nor to prevent any seaman from leaving the service of any vessel when in a safe harbor to the same extent and with like effect as under the provisions of existing law.

Exceptions to section 672; unriggered vessels, tugs, and towboats**46 U.S.C. 672b**

The provisions of section 672 of this title, requiring the manning of certain merchant vessels by persons holding certificates of service or efficiency issued by the Bureau of Marine Inspection and Navigation or the Coast Guard shall not apply as to unriggered vessels, except seagoing barges, and that, insofar as said provisions apply to tugs and towboats, the said provisions are hereby modified as follows:

(a) Able seamen shall not be required in the deck crew of tugs and towboats on the bays and sounds connected directly with the seas, and every person may be rated an able seaman for the purpose of serving on tugs and towboats on the seas who is nineteen years of age and upwards and who has had at least eighteen months of service on deck at sea or on the Great Lakes or on the bays and sounds connected directly with the seas; and

(b) Service and rating at least equal to that of coal passer or wiper in the engine department of tugs and towboats operating on the seas or Great Lakes or on the bays and sounds connected directly with the seas shall be considered as meeting the requirement of subsection (e) of section 672 of this title which requires that an applicant for rating under that subsection shall produce to the Coast Guard definite proof of at least six months' service at sea in a rating at least equal to that of coal passer or wiper in the engine department of vessels required by said section to have such certificated men.

Nothing in this section shall restrict or modify any of the other provisions of section 672 of this title which must be complied with before the certificates therein authorized can be granted.

Definitions

46 U.S.C. 672c

When used in sections 643a, 660b, and 672b of this title—

(1) The term "unrigged vessel" means any vessel that is not self-propelled;

(2) The term "seagoing barge" means any barge which from its design and construction may be reasonably expected to encounter and ride out the ordinary perils of the seas and which in fact in the usual course of its operations passes outside the line dividing inland waters from the high seas, as defined in section 151 of title 33.

Application of sections 643, 660a, 672, 672a, 673, 689, and 710a to fishing or whaling vessels or yachts

46 U.S.C. 690

No provision of sections 660a, 672a, 689 and 710a of this title and no amendment to sections 643, 672 and 673 of this title made by Act June 25, 1936, ch. 816, 49 Stat. 1930, shall apply to fishing or whaling vessels or yachts: *Provided, however,* That the provisions of sections 643, 672 and 673 of this title as they existed prior to June 25, 1936, shall continue in effect insofar as they are applicable to said vessels or yachts with like force and effect as if sections 660a, 672a, 689 and 710a of this title had not been passed. (June 25, 1936, ch. 816, § 8, 49 Stat. 1936.)

Separability of sections 643, 660a, 672, 672a, 673, 689, and 710a

46 U.S.C. 691

If any provision of sections 643, 660a, 672, 672a, 673, 689 and 710a of this title, or the application thereof to any person or circumstance, is held invalid, the remainder of said sections, and the application of the provisions thereof, shall not be affected thereby. (June 25, 1936, ch. 816, § 9, 49 Stat. 1936.)

Soliciting seamen as lodgers

46 U.S.C. 709 (R.S. 4607)

If, within twenty-four hours after the arrival of any vessel at any port in the United States, any person, then being on board such vessel, solicits any seaman to become a lodger at the house of any person letting lodgings for hire, or takes out of such vessel any effects of any seaman, except under his personal direction, and with the permission of the master, he shall, for every such offense, be punishable by a fine of not more than \$50, or by imprisonment for not more than three months. This section shall apply to vessels of the United States engaged in the foreign trade and to foreign vessels. (R.S. § 4607; Apr. 13, 1904, ch. 1252, § 1, 33 Stat. 174.)

Minimum Age (Sea) Convention (Revised), 1936**PROVISIONS OF DRAFT CONVENTION NO. 58****ARTICLE 1**

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war.

ARTICLE 2

1. Children under the age of fifteen years shall not be employed or work on vessels, other than vessels upon which only members of the same family are employed.

2. Provided that national laws or regulations may provide for the issue in respect of children of not less than fourteen years of age of certificates permitting them to be employed in cases in which an educational or other appropriate authority designated by such laws or regulations is satisfied, after having due regard to the health and physical condition of the child and to the prospective as well as to the immediate benefit to the child of the employment proposed, that such employment will be beneficial to the child.

ARTICLE 3

The provisions of Article 2 shall not apply to work done by children on school ships or training ships, provided that such work is approved and supervised by public authority.

ARTICLE 4

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of sixteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

ARTICLE 5

This Convention shall not come into force until after the adoption by the International Labor Conference of a Draft Convention revising the Convention fixing the minimum age for admission of children to industrial employment, 1919, and a Draft Convention revising the Convention concerning the age for admission of children to nonindustrial employment, 1932.

ARTICLE 6

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 7

1. This Convention shall be binding only upon those Members of the International Labor Organization whose ratifications have been registered with the Secretary-General.

2. Subject to the provisions of Article 5 above it shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-General.

3. Thereafter this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

ARTICLE 8

As soon as the ratifications of two Members of the International Labor Organization have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labor Organization. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organization.

ARTICLE 9

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

ARTICLE 10

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labor Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the Agenda of the Conference the question of its revision in whole or in part.

ARTICLE 11

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 9 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

ARTICLE 12

The French and English texts of this Convention shall both be authentic.

RESERVATIONS BY THE UNITED STATES GOVERNMENT

The above convention was ratified by the United States Government, with the following reservations:

"That the United States Government understands and construes the words 'maritime navigation' appearing in this Convention to mean navigation on the high seas only.

"That the provisions of this Convention shall apply to all territory over which the United States exercises jurisdiction except the Panama Canal Zone, with respect to which this Government reserves its decision."

RATIFICATION OF TREATY

NOTE.—The ratification of this treaty was deposited on October 29, 1938, and became effective on October 29, 1939. While some of the provisions of this treaty appear to be self-executing, it would seem that, in order to make effective the provisions of the treaty as a whole, enabling legislation to this end must be passed. To date no such enabling legislation has been enacted.

SUBCHAPTER 6G.—LOGBOOKS

Logbook; entries**46 U.S.C. 201 (R.S. 4290)**

Every vessel making voyages from a port in the United States to any foreign port, or being of the burden of seventy-five tons, or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall have an official log book; and every master of such vessel shall make, or cause to be made therein, entries of the following matters, that is to say:

First. Every legal conviction of any member of his crew, and the punishment inflicted.

Second. Every offense committed by any member of his crew for which it is intended to prosecute, or to enforce a forfeiture, together with such statement concerning the reading over such entry, and concerning the reply, if any, made to the charge, as is required by the provisions of section 702 of this title.

Third. Every offense for which punishment is inflicted on board, and the punishment inflicted.

Fourth. A statement of the conduct, character, and qualifications of each of his crew; or a statement that he declines to give an opinion of such particulars.

Fifth. Every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment.

Sixth. Every case of death happening on board, with the cause thereof.

Seventh. Every birth happening on board, with the sex of the infant, and the names of the parents.

Eighth. Every marriage taking place on board, with the names and ages of the parties.

Ninth. The name of every seaman or apprentice who ceases to be a member of the crew otherwise than by death, with the place, time, manner, and the cause thereof.

Tenth. The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom.

Eleventh. The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold, and the sum received for it.

Twelfth. In every case of collision in which it is practicable so to do, the master shall, immediately after the occurrence, cause a statement thereof, and of the circumstances under which the same occurred, to be entered in the official log book. Such entry shall be made in the manner prescribed in section 202 of this title, and failure to make such entry shall subject the offender to the penalties prescribed by section 203 of this title.

Mode of making entries**46 U.S.C. 202 (R.S. 4291)**

Every entry hereby required to be made in the official log book shall be signed by the master and by the mate, or some other one

of the crew, and every entry in the official log book shall be made as soon as possible after the occurrence to which it relates, and, if not made on the same day as the occurrence to which it relates, shall be made and dated so as to show the date of the occurrence, and of the entry respecting it; and in no case shall any entry therein, in respect of any occurrence happening previously to the arrival of the vessel at her final port, be made more than twenty-four hours after such arrival.

Penalty for omitting entries

46 U.S.C. 203 (R.S. 4292)

If in any case the official log book is not kept in the manner hereby required, or if any entry hereby directed to be made in any such log book is not made at the time and in the manner hereby directed, the master shall, for each such offense, be liable to a penalty of not more than \$25; and every person who makes, or procures to be made, or assists in making, any entry in any official log book in respect of any occurrence happening previously to the arrival of the vessel at her final port of discharge, more than twenty-four hours after such arrival, shall, for each offense, be liable to a penalty of not more than \$150.

Various offenses; penalties

46 U.S.C. 701 (R.S. 4596)

Whenever any seaman who has been lawfully engaged or any apprentice to the sea service commits any of the following offenses, he shall be punished as follows:

First. For desertion, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned.

Second. For neglecting or refusing without reasonable cause to join his vessel or to proceed to sea in his vessel, or for absence without leave at any time within twenty-four hours of the vessel's sailing from any port, either at the commencement or during the progress of the voyage, or for absence at any time without leave and without sufficient reason from his vessel and from his duty, not amounting to desertion, by forfeiture from his wages of not more than two days' pay or sufficient to defray any expenses which shall have been properly incurred in hiring a substitute.

Third. For quitting the vessel without leave, after her arrival at the port of her delivery and before she is placed in security, by forfeiture from his wages of not more than one month's pay.

Fourth. For willful disobedience to any lawful command at sea, by being, at the option of the master, placed in irons until such disobedience shall cease, and upon arrival in port by forfeiture from his wages of not more than four days' pay, or, at the discretion of the court, by imprisonment for not more than one month.

Fifth. For continued willful disobedience to lawful command or continued willful neglect of duty at sea, by being, at the option of the master, placed in irons, on bread and water, with full rations every fifth day, until such disobedience shall cease, and upon arrival

in port by forfeiture, for every twenty-four hours' continuance of such disobedience or neglect, of a sum of not more than twelve days' pay, or by imprisonment for not more than three months, at the discretion of the court.

Sixth. For assaulting any master, mate, pilot, engineer, or staff officer, by imprisonment for not more than two years.

Seventh. For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, by forfeiture out of his wages of a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, by imprisonment for not more than twelve months.

Eighth. For any act of smuggling for which he is convicted and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay such master or owner such a sum as is sufficient to reimburse the master or owner for such a loss or damage, and the whole or any part of his wages may be retained in satisfaction or on account of such liability, and he shall be liable to imprisonment for a period of not more than twelve months.

Entry of offense in logbook

46 U.S.C. 702 (R.S. 4597)

Upon the commission of any of the offenses enumerated in section 701 an entry thereof shall be made in the official log book on the day on which the offense was committed, and shall be signed by the master and by the mate or one of the crew; and the offender, if still in the vessel, shall, before her next arrival at any port, or, if she is at the time in port, before her departure therefrom, be furnished with a copy of such entry and have the same read over distinctly and audibly to him, and may thereupon make such a reply thereto as he thinks fit; and a statement that a copy of the entry has been so furnished, or the same has been so read over, together with his reply, if any, made by the offender, shall likewise be entered and signed in the same manner. In any subsequent legal proceedings the entries hereinbefore required shall, if practicable, be produced or proved, and in default of such production or proof the court hearing the case may, at its discretion, refuse to receive evidence of the offense.

SUBCHAPTER 6H.—PROTECTION AND RELIEF

Complaint that vessel is unseaworthy**46 U.S.C. 653 (R.S. 4556)**

If the first and second officers under the master or a majority of the crew of any vessel bound on any voyage shall, before the vessel shall have left the harbor, discover that the vessel is too leaky or is otherwise unfit in her crew, body, tackle, apparel, furniture, provisions, or stores to proceed on the intended voyage, and shall require such unfitness to be inquired into, the master shall, upon the request of the first and second officers under the master or such majority of the crew, forthwith apply to the judge of the district court of that judicial district, if he shall there reside, or if not, to some justice of the peace of the city, town, or place for the appointment of surveyors, as in section 654 of this title, taking with him two or more of the crew who, shall have made such request; and any master refusing or neglecting to comply with these provisions shall be liable to a penalty of \$500. This section shall not apply to fishing or whaling vessels or yachts.

Proceedings on examination of a vessel**46 U.S.C. 654 (R.S. 4557)**

The judge or justice in a domestic port shall, upon such application of the master or commander, issue his precept, directed to three persons in the neighborhood, the most experienced and skillful in maritime affairs that can be procured; and whenever such complaint is about the provisions one of such surveyors shall be a physician or a surgeon of the Public Health Service, if such service is established at the place where the complaint is made. It shall be the duty of such surveyors to repair on board such vessel and to examine the same in respect to the defects and insufficiencies complained of and make reports to the judge or justice, as the case may be, in writing, under their hands or the hands of two of them, whether in any or in what respect the vessel is unfit to proceed on the intended voyage and what addition of men, provisions, or stores, or what repairs or alterations in the body, tackle, or apparel will be necessary; and upon such report the judge or justice shall adjudge and shall indorse on his report his judgment whether the vessel is fit to proceed on the intended voyage, and, if not, whether such repairs can be made or deficiencies supplied where the vessel then lies, or whether it is necessary for her to proceed to the nearest or most convenient place where such supplies can be made or deficiencies supplied; and the master and the crew shall in all things conform to the judgment. The master or commander shall, in the first instance, pay all the costs of such review, report, or judgment, to be taxed and allowed on a fair copy thereof, certified by the judge or justice. But if the complaint of the crew shall appear upon the report and judgment to have been without foundation, the master or commander, or the owner or consignee of such vessel, shall deduct the amount thereof, and of reasonable damages for the detention, to be ascertained by the judge or justice, out of the wages of the complaining seamen. This section shall not apply to fishing or whaling vessels or yachts.

Refusal to proceed when vessel found seaworthy**46 U.S.C. 655 (R.S. 4558)**

If, after judgment that such vessel is fit to proceed on her intended voyage, or after procuring such men, provisions, stores, repairs, or alterations as may be directed, the seamen, or either of them, shall refuse to proceed on the voyage, he shall forfeit any wages that may be due him. This section shall not apply to fishing or whaling vessels or yachts.

Appointment of inspectors by consul in foreign port**46 U.S.C. 656 (R.S. 4559)**

Upon a complaint in writing, signed by the first and second officers or a majority of the crew of any vessel, while in a foreign port, that such vessel is in an unsuitable condition to go to sea because she is leaky or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not or have not been during the voyage sufficient or wholesome, thereupon, in any of these or like cases the consul shall cause to be appointed three persons of like qualifications with those described in section 654 of this title who shall proceed to examine into the cause of complaint and who shall proceed and be governed in all their proceedings as provided by said section. This section shall not apply to fishing or whaling vessels or yachts.

Report of inspectors**46 U.S.C. 657 (R.S. 4560)**

The inspectors appointed by any consul, in pursuance of the preceding section, shall have full power to examine the vessel and whatever is aboard of her, so far as is pertinent to their inquiry, and also to hear and receive any other proofs which the ends of justice may require; and if, upon a review of the whole proceedings, the consul is satisfied therewith, he may approve the whole or any part of the report, and shall certify such approval; or if he dissents, he shall certify his reasons for dissenting.

Discharge of crew on account of unseaworthiness; penalty for sending unseaworthy vessel to sea**46 U.S.C. 658 (R.S. 4561)**

The inspectors in their report shall also state whether in their opinion the vessel was sent to sea unsuitably provided in any important or essential particular, by neglect or design, or through mistake or accident; and in case it was by neglect or design, and the consular officer approves of such finding, he shall discharge such of the crew as request it, and shall require the payment by the master of one month's wages for each seaman over and above the wages then due, or sufficient money for the return of such of the crew as desire to be discharged to the nearest and most convenient port of the United States, or by furnishing the seamen who so desire to be discharged with employment on a ship agreed to by them. But if in the opinion of the inspectors the defects or deficiencies found to exist have been

the result of mistake or accident, and could not in the exercise of ordinary care, have been known and provided against before the sailing of the vessel, and the master shall in a reasonable time remove or remedy the causes of complaint, then the crew shall remain and discharge their duty. This section does not apply to fishing or whaling vessels or yachts.

Payment of charges for inspection

46 U.S.C. 659 (R.S. 4562)

The master shall pay all such reasonable charges for inspection under such complaint as shall be officially certified to him under the hand of the consul; but in case the inspectors report that the complaint is without any good and sufficient cause the master may retain from the wages of the complainants, in proportion to the pay of each, the amount of such charges, with such reasonable damages for detention on that account as the consul directing the inquiry may officially certify.

Refusal to pay wages and charges

46 U.S.C. 660 (R.S. 4563)

Every master who refuses to pay such wages and charges shall be liable to each person injured thereby, in damages, to be recovered in any court of the United States in the district where such delinquent may reside or be found, and in addition thereto be punishable by a fine of \$100 for each offense.

Neglect to provide sufficient stores

46 U.S.C. 661 (R.S. 4564)

Should any master or owner of any merchant vessel of the United States neglect to provide a sufficient quantity of stores to last for a voyage of ordinary duration to the port of destination, and in consequence of such neglect the crew are compelled to accept a reduced scale, such master or owner shall be liable to a penalty as provided in section 665 of this title.

Complaint as to provisions or water; examination

46 U.S.C. 662 (R.S. 4565)

Any three or more of the crew of any merchant vessel of the United States bound from a port in the United States to any foreign port, or being of the burden of seventy-five tons or upward, and bound from a port on the Atlantic to a port on the Pacific, or vice versa, may complain to any officer in command of any of the vessels of the United States Navy, or consular officer of the United States, or Coast Guard official to whom the duties of shipping commissioner have been delegated, or chief officer of the customs, that the provisions or water for the use of the crew are, at any time, of bad quality, unfit for use, or deficient in quantity. Such officer shall thereupon examine the provisions or water, or cause them to be examined; and if, on examination, such provisions or water are found to be of bad quality and unfit for use, or to be deficient in quantity,

the person making such examination shall certify the same in writing to the master of the ship. If such master does not thereupon provide other proper provisions or water, where the same can be had, in lieu of any so certified to be of a bad quality and unfit for use, or does not procure the requisite quantity of any so certified to be insufficient in quantity, or uses any provisions or water which have been so certified as aforesaid to be of bad quality and unfit for use, he shall, in every such case, be liable to a penalty of not more than one hundred dollars; and upon every such examination the officers making or directing the same shall enter a statement of the result of the examination in the log book, and shall send a report thereof to the district judge for the judicial district embracing the port to which such vessel is bound; and such report shall be received in evidence in any legal proceedings.

Forfeiture for false complaint as to provisions or water

46 U.S.C. 663 (R.S. 4566)

If the officer to whom any such complaint in regard to the provisions or the water is made certifies in such statement that there was no reasonable ground for such complaint, each of the parties so complaining shall forfeit to the master or owner his share of the expense, if any, of the survey. This section shall not apply to fishing or whaling vessels or yachts.

Permission from master to enter complaint as to provisions or water

46 U.S.C. 664 (R.S. 4567)

If any seamen, while on board any vessel, shall state to the master that they desire to make a complaint, in accordance with sections 662 and 663 of this title in regard to the provisions or the water, to a competent officer, against the master, the master shall, if the vessel is then at a place where there is any such officer, so soon as the service of the vessel will permit, and if the vessel is not then at such a place, so soon after her first arrival at such place as the service of the vessel will permit, allow such seamen, or any of them, to go ashore, or shall send them ashore, in proper custody, so that they may be enabled to make such complaint; and shall, in default, be liable to a penalty of not more than \$100.

Allowance for reduction of provisions

46 U.S.C. 665 (R.S. 4568)

If, during a voyage, the allowance of any of the provisions which any seaman is entitled to under section 713 of this title is reduced except for any time during which such seaman willfully and without sufficient cause refuses or neglects to perform his duty, or is lawfully under confinement for misconduct either on board or on shore; or if it shall be shown that any of such provisions are, or have been during the voyage bad in quality or unfit for use, the seaman shall receive, by way of compensation for such reduction or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to and to be recoverable as wages:

First. If his allowance is reduced by any quantity not exceeding one-third of the quantity specified by law, a sum not exceeding 50 cents a day.

Second. If his allowance is reduced by any more than one-third of such quantity, a sum not exceeding \$1 a day.

Third. In respect of bad quality, a sum not exceeding \$1 a day.

But if it is shown to the satisfaction of the court before which the case is tried that any provisions, the allowance of which has been reduced, could not be procured or supplied in sufficient quantities, or were unavoidably injured or lost, or if by reason of its innate qualities any article becomes unfit for use and that proper and equivalent substitutes were supplied in lieu thereof, the court shall take such circumstances into consideration and shall modify or refuse compensation, as the justice of the case may require. This section shall not apply to fishing or whaling vessels or yachts.

Weights and measures

46 U.S.C. 668 (R.S. 4571)

Every master shall keep on board proper weights and measures for the purpose of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles, in the presence of a witness, whenever any dispute arises about such quantities, and in default shall, for every offense, be liable to a penalty of not more than \$50.

Medicines

46 U.S.C. 666 (R.S. 4569)

Every vessel belonging to a citizen of the United States, bound from a port in the United States to any foreign port, or being of the burden of seventy-five tons or upward, and bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall be provided with a chest of medicines; and every sailing vessel bound on a voyage across the Atlantic or Pacific Ocean, or around Cape Horn, or the Cape of Good Hope, or engaged in the whale or other fisheries, or in sealing, shall also be provided with, and cause to be kept, a sufficient quantity of lime or lemon juice, and also sugar and vinegar, or other antiscorbutics, to be served out to every seaman as follows: The master of every such vessel shall serve the lime or lemon juice, and sugar and vinegar, to the crew, within ten days after salt provisions mainly have been served out to the crew, and so long afterward as such consumption of salt provisions continues; the lime or lemon juice and sugar daily at the rate of half an ounce each per day; and the vinegar weekly at the rate of half a pint per week for each member of the crew.

Penalty for failure to keep medicines

46 U.S.C. 667 (R.S. 4570)

If, on any such vessel, such medicines, medical stores, lime or lemon juice, or other articles, sugar, and vinegar, as are required by section

666 of this title are not provided and kept on board, as required, the master or owner shall be liable to a penalty of not more than \$500; and if the master of any such vessel neglects to serve out the lime or lemon juice, and sugar and vinegar in the case and manner directed, he shall for each offense be liable to a penalty of not more than \$100; and if any master is convicted in either of the offenses mentioned in this section, and it appears that the offense is owing to the act or default of the owner, such master may recover the amount of such penalty, and the costs incurred by him, from the owner.

Slop chest

46 U.S.C. 670, 671

Every vessel mentioned in section 666 of this title shall also be provided with a slop chest, which shall contain a complement of clothing for the intended voyage for each seaman employed, including boots or shoes, hats or caps, under clothing and outer clothing, oiled clothing, and everything necessary for the wear of a seaman; also a full supply of tobacco and blankets. Any of the contents of the slop chest shall be sold, from time to time, to any or every seaman applying therefor, for his own use, at a profit not exceeding 10 per centum of the reasonable wholesale value of the same at the port at which the voyage commenced. And if any such vessel is not provided, before sailing, as herein required, the owner shall be liable to a penalty of not more than \$500. The provisions of this section shall not apply to vessels plying between the United States and the Dominion of Canada, Newfoundland, the Bermuda Islands, the Bahama Islands, the West Indies, Mexico, and Central America. [*This section shall not be construed to apply to vessels engaged in the whaling and fishing business.*]

Clothing and heat

46 U.S.C. 669 (R.S. 4572)

Every vessel bound on any foreign voyage exceeding in length fourteen days shall also be provided with at least one suit of woollen clothing for each seaman, and every vessel in the foreign or domestic trade shall provide a safe and warm room for the use of seamen in cold weather. Failure to make such provision shall subject the owner or master to a penalty of not less than \$100. This section shall not apply to fishing or whaling vessels or yachts.

Recovery for injury to or death of seaman

46 U.S.C. 688

Any seaman who shall suffer personal injury in the course of his employment may, at his election, maintain an action for damages at law, with the right of trial by jury, and in such action all statutes of the United States modifying or extending the common-law right or remedy in cases of personal injury to railway employees shall apply; and in case of the death of any seaman as a result of any such personal injury the personal representative of such seaman may maintain an action for damages at law with the right of trial by jury, and in such

action all statutes of the United States conferring or regulating the right of action for death in the case of railway employees shall be applicable. Jurisdiction in such actions shall be under the court of the district in which the defendant employer resides or in which his principal office is located. (Mar. 4, 1915, ch. 153, § 20, 38 Stat. 1185; June 5, 1920, ch. 250, § 33, 41 Stat. 1007.)

Subsistence to destitute seamen; return to United States

46 U.S.C. 678 (R.S. 4577)

It shall be the duty of the consuls and vice consuls, from time to time, to provide for the seamen of the United States, who may be found destitute within their districts, respectively, sufficient subsistence and passages to some port in the United States, in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give. The seamen shall, if able, be bound to do duty on board the vessels in which they may be transported, according to their several abilities. (R.S. § 4577; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100.)

Transportation of destitute seamen to United States

46 U.S.C. 679 (R.S. 4578)

All masters of vessels of the United States and bound to some port of the same, are required to take such destitute seamen on board their vessels, at the request of consular officers, and to transport them to the port in the United States to which such vessel may be bound, on such terms, not exceeding \$10 for each person for voyages of not more than thirty days, and not exceeding \$20 for each person for longer voyages, as may be agreed between the master and the consular officer, when transportation is by a sailing vessel; and the amount agreed upon between the consular officer and the master of the vessel in each individual case not in excess of the lowest passenger rate of such vessel and not in excess of 2 cents per mile shall in each case constitute the lawful rate for transportation on steam vessels; and said consular officer shall issue certificates for such transportation, which certificates shall be assignable for collection. Every such master who refuses to receive and transport such seamen on the request or order of such consular officer shall be liable to the United States in a penalty of \$100 for each seaman so refused. The certificate of any such consular officer, given under his hand and official seal, shall be presumptive evidence of such refusal in any court of law having jurisdiction for the recovery of the penalty. No master of any vessel shall, however, be obliged to take a greater number than one man to every one hundred tons burden of the vessel on any one voyage or to take any seaman having a contagious disease.

Reasonable compensation, in addition to the allowances provided herein, or any allowance now fixed by law, or by regulations now or hereafter established in accordance with section 1752 of the Revised Statutes of the United States, may be paid from general appropriations for the relief and protection of American seamen, when authorized by the Secretary of State, in the following cases:

First. If any such destitute seaman is so disabled or ill as to be unable to perform duty, the consular officer shall so certify in the certificate of transportation, and such additional compensation shall be paid as the Secretary of State shall deem equitable and proper.

Second. Whenever distressed or destitute seamen of the United States are transported from foreign ports where there is no consular officer of the United States, or from points on the high seas, to ports of the United States, or from such foreign ports or points on the high seas to a port accessible to a consular officer of the United States who is authorized to assume responsibility on behalf of the Government of the United States for the further relief and repatriation of such seamen, there shall be allowed to the master or owner of each vessel in which they are transported such reasonable compensation as shall be deemed equitable by the Secretary of State. (R.S. § 4578; June 26, 1884, ch. 121, § 9, 23 Stat. 55; June 19, 1886, ch. 421, § 18, 24 Stat. 83; July 31, 1894, ch. 174, § 4, 28 Stat. 205; June 10, 1921, ch. 18, § 304, 42 Stat. 24; May 7, 1930, ch. 227, 46 Stat. 261.)

SUBCHAPTER 6J.—SHIPMENT AND DISCHARGE

Shipment of crews; shipping agreements

46 U.S.C. 563

Coast Guard officials to whom the duties of shipping commissioners have been delegated may ship crews for any vessel engaged in the coastwise trade, or the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or the Republic of Mexico, at the request of the master or owner of such vessel.

When a crew is shipped by such Coast Guard official for any American vessel in the coastwise trade, or the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or Mexico, as authorized by this section, an agreement shall be made with each seaman engaged as one of such crew in the same manner as is provided by sections 564 and 565 of this title, not however including the sixth and eighth items of section 564 of this title, and such agreement shall be posted as provided in section 577 of this title, and such seaman shall be discharged and receive their wages as provided by the first clause of section 596 of this title, and also by sections 593-595, 597, 600, 603, 604, 625-628, 641-643, 644, 645 and 651 of this title; but in all other respects such shipment of seamen and such shipping agreement shall be regarded as if both shipment and agreement had been entered into between the master of a vessel and a seaman without going before such Coast Guard official; *Provided*, That the clothing of any seaman shall be exempt from attachment, and that any person who shall detain such clothing when demanded by the owner shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than six months or fined not more than \$500, or both. (June 19, 1886, ch. 421, § 2, 24 Stat. 80; Aug. 19, 1890, ch. 801, 26 Stat. 320; Feb. 18, 1895, ch. 97, 28 Stat. 667; Mar. 3, 1897, ch. 389, § 8, 29 Stat. 689; Apr. 11, 1904, ch. 1140, 33 Stat. 168; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Shipping articles

46 U.S.C. 564 (R.S. 4511)

The master of every vessel bound from a port in the United States to any foreign port other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or Mexico, or of any vessel of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall, before he proceeds on such voyage, make an agreement, in writing or in print, with every seaman whom he carries to sea as one of the crew, in the manner hereinafter mentioned; and every such agreement shall be, as near as may be, in the form given in the table marked A, in the schedule annexed to this chapter, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars:

First. The nature and, as far as practicable, the duration of the

intended voyage or engagement, and the port or country at which the voyage is to terminate.

Second. The number and description of the crew, specifying their respective employments.

Third. The time at which each seaman is to be on board, to begin work.

Fourth. The capacity in which each seaman is to serve.

Fifth. The amount of wages which each seaman is to receive.

Sixth. A scale of the provisions which are to be furnished to each seaman.

Seventh. Any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct, which may be sanctioned by Congress or authorized by the Commandant of the Coast Guard not contrary to or not otherwise provided for by law, which the parties agree to adopt.

Eighth. Any stipulations in reference to advance and allotment of wages, or other matters not contrary to law. (R.S. § 4511; Mar. 3, 1897, ch. 389, § 19, 29 Stat. 691; Feb. 14, 1903, ch. 552, § 10, 32 Stat. 829; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Rules for shipping articles

46 U.S.C. 565 (R.S. 4512)

The following rules shall be observed with respect to agreements:

First. Every agreement, except such as are otherwise specially provided for, shall be signed by each seaman in the presence of a Coast Guard official to whom the duties of shipping commissioner have been delegated.

Second. When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by such Coast Guard official, and the other part shall contain a special place or form for the description and signatures of persons engaged subsequently to the first departure of the ship and shall be delivered to the master.

Third. Every agreement entered into before such Coast Guard official shall be acknowledged and certified under the hand and official seal of such Coast Guard official. The certificate of acknowledgment shall be indorsed on or annexed to the agreement; and shall be in the following form:

"State of _____, County of _____:

"On this _____ day of _____, personally appeared before me, a Coast Guard official in and for the said county, A.B., C.D., and E.F., severally known to me to be the same persons who executed the foregoing instrument, who each for himself acknowledged to me that he had read or had heard read the same; that he was by me made acquainted with the conditions thereof, and understood the same; and that, while sober and not in a state of intoxication, he signed it freely and voluntarily, for the uses and purposes therein mentioned." (R.S. § 4512; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Exception as to shipping articles**46 U.S.C. 566 (R.S. 4513)**

Section 564 of this title shall not apply to masters of vessels where the seamen are by custom or agreement entitled to participate in the profits or result of a cruise or voyage, nor to masters of coastwise nor to masters of lake-going vessels that touch at foreign ports; but seamen may, by agreement, serve on board such vessels a definite time, or, on the return of any vessel to a port in the United States, may re-ship and sail in the same vessel on another voyage. (R.S. § 4513; Feb. 27, 1877, ch. 69, § 1, 19 Stat. 252.)

Penalty for shipping without agreement**46 U.S.C. 567 (R.S. 4514)**

If any person shall be carried to sea, as one of the crew on board of any vessel making a voyage as hereinbefore specified, without entering into an agreement with the master of such vessel, in the form and manner, and at the place and times in such cases required, the vessel shall be held liable for each such offense to a penalty of not more than \$200. But the vessel shall not be held liable for any person carried to sea, who shall have secretly stowed away himself without the knowledge of the master, mate, or of any of the officers of the vessel, or who shall have falsely personated himself to the master, mate, or officers of the vessel, for the purpose of being carried to sea. (R.S. § 4514.)

Penalty for knowingly shipping seamen without articles**46 U.S.C. 568 (R.S. 4515)**

If any master, mate, or other officer of a vessel knowingly receives, or accepts, to be entered on board of any merchant vessel, any seaman who has been engaged or supplied contrary to the provisions of title 53 of the Revised Statutes, the vessel on board of which such seaman shall be found shall, for every such seaman, be liable to a penalty of not more than \$200. (R.S. § 4515.)

Shipping seamen to replace those lost by desertion or casualty**46 U.S.C. 569 (R.S. 4516)**

In case of desertion or casualty resulting in the loss of one or more of the seamen, the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same or higher grade or rating with those whose places they fill, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by sections 567 and 568 of this title. This section shall not apply to fishing or whaling vessels or yachts. (R.S. § 4516; Dec. 21, 1898, ch. 28, §§ 1, 26, 30 Stat. 755, 764; Mar. 4, 1915, ch. 153, § 1, 38 Stat. 1164.)

Shipping seamen in foreign ports**46 U.S.C. 570 (R.S. 4517)**

Every master of a merchant vessel who engages any seaman at a place out of the United States, in which there is a consular officer

shall, before carrying such seaman to sea, procure the sanction of such officer, and shall engage seamen in his presence; and the rules governing the engagement of seamen before a Coast Guard official to whom the duties of shipping commissioner have been delegated in the United States, shall apply to such engagements made before a consular officer; and upon every such engagement the consular officer shall indorse upon the agreement his sanction thereof, and at attestation to the effect that the same has been signed in his presence, and otherwise duly made. (R.S. § 4517; Apr. 5, 1906, ch. 1366; § 3, 34 Stat. 100; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Penalty for violating section 570 of this title

46 U.S.C. 571 (R.S. 4518)

Every master who engages any seaman in any place in which there is a consular office, otherwise than as required by section 570 of this title, shall incur a penalty of not more than \$100, for which penalty the vessel shall be held liable. (R.S. § 4518; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100.)

Voyage or term for which seamen may be shipped; reshipment

46 U.S.C. 572

A master of a vessel in the foreign trade may engage a seaman at any port in the United States, in the manner provided by law, to serve on a voyage to any port, or for the round trip from and to the port of departure, or for a definite time, whatever the destination. The master of a vessel making regular and stated trips between the United States and a foreign country may engage a seaman for one or more round trips, or for a definite time, or on the return of said vessel to the United States may reship such seaman for another voyage in the same vessel, in the manner provided by law. (June 26, 1884, ch. 121, § 19, 23 Stat. 58.)

Voyage or term of seaman shipped in foreign port; reshipment; bond

46 U.S.C. 573

Every master of a vessel in the foreign trade may engage any seaman at any port out of the United States, in the manner provided by law, to serve for one or more round trips from and to the port of departure, or for a definite time, whatever the destination; and the master of a vessel clearing from a port of the United States with one or more seamen engaged in a foreign port as herein provided shall not be required to reship in a port of the United States the seamen so engaged, or to give bond, to produce said seamen before a boarding officer on the return of said vessel to the United States. (June 26, 1884, ch. 121, § 20, 23 Stat. 58.)

Shipping articles for vessels in coasting trade

46 U.S.C. 574 (R.S. 4520)

Every master of any vessel of the burden of fifty tons or upward, bound from a port in one State to a port in any other than an adjoining

State, except vessels of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall, before he proceeds on such voyage, make an agreement in writing or in print, with every seaman on board such vessel except such as shall be apprentice or servant to himself or owners, declaring the voyage or term of time for which such seaman shall be shipped. (R.S. § 4520.)

Penalty for shipping without articles

46 U.S.C. 575 (R.S. 4521)

If any master of such vessel of the burden of fifty tons or upward shall carry out any seaman or mariner, except apprentices or servants, without such contract or agreement being first made and signed by the seamen, such master shall pay to every such seaman the highest price or wages which shall have been given at the port or place where such seaman was shipped, for a similar voyage, within three months next before the time of such shipping, if such seaman shall perform such voyage; or if not, then for such time as he shall continue to do duty on board such vessel; and shall moreover be liable to a penalty of \$20 for every such seaman, recoverable, one half to the use of the person prosecuting for the same, and the other half to the use of the United States. Any seaman who has not signed such a contract shall not be bound by the regulations nor subject to the penalties and forfeitures contained in title 53 of the Revised Statutes. (R.S. § 4521.)

Penalty for omitting to begin voyage

46 U.S.C. 576 (R.S. 4522)

At the foot of every such contract to ship upon such a vessel of the burden of fifty tons or upward there shall be a memorandum in writing of the day and the hour when such seaman who shipped and subscribed shall render himself on board to begin the voyage agreed upon. If any seaman shall neglect to render himself on board the vessel for which he has shipped at the time mentioned in such memorandum without giving twenty-four hours' notice of his inability to do so, and if the master of the vessel shall, on the day in which such neglect happened, make an entry in the log book of such vessel of the name of such seaman, and shall in like manner note the time that he so neglected to render himself after the time appointed, then every such seaman shall forfeit for every hour which he shall so neglect to render himself one-half of one day's pay, according to the rate of wages agreed upon, to be deducted out of the wages. If any such seaman shall wholly neglect to render himself on board of such vessel, or having rendered himself on board shall afterwards desert, he shall forfeit all of his wages or emoluments which he has then earned. This section shall not apply to fishing or whaling vessels or yachts. (R.S. § 4522; Feb. 27, 1877, ch. 69, § 1, 19 Stat. 252; Dec. 21, 1898, ch. 28, §§ 2, 26, 30 Stat. 755, 764.)

Posting copy of agreement

46 U.S.C. 577 (R.S. 4519)

The master shall, at the commencement of every voyage or engagement, cause a legible copy of the agreement, omitting signatures, to be

placed or posted up in such part of the vessel as to be accessible to the crew; and on default shall be liable to a penalty of not more than \$100. (R.S. § 4519.)

Unlawful shipments void

46 U.S.C. 578 (R.S. 4523)

All shipments of seamen made contrary to the provisions of any act of Congress shall be void; and any seaman so shipped may leave the service at any time, and shall be entitled to recover the highest rate of wages of the port from which the seaman was shipped, or the sum agreed to be given him at his shipment. (R.S. § 4523.)

Duties (of Coast Guard Official)

46 U.S.C. 545 (R.S. 4508)

The general duties of a Coast Guard official to whom the duties of shipping commissioner have been delegated shall be:

First. To afford facilities for engaging seamen by keeping a register of their names and characters.

Second. To superintend their engagement and discharge, in manner prescribed by law.

Third. To provide means for securing the presence on board at the proper times of men who are so engaged.

Fourth. To facilitate the making of apprenticeships to the sea service.

Fifth. To perform such other duties relating to merchant seamen or merchant ships as may be required by law. (R.S. § 4508; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Penalty for personating shipping commissioner

46 U.S.C. 546 (R.S. 4504)

Any person other than a Coast Guard official to whom the duties of shipping commissioner under title 53 of the Revised Statutes have been delegated, who shall perform or attempt to perform, either directly or indirectly, the duties which are by such title set forth as pertaining to a shipping commissioner, shall be liable to a penalty of not more than \$500. Nothing in such title, however, shall prevent the owner, or consignee, or master of any vessel except vessels bound from a port in the United States to any foreign port, other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or the Republic of Mexico, and vessels of the burden of seventy-five tons or upward bound from a port on the Atlantic to a port on the Pacific, or vice versa, from performing, himself, so far as his vessel is concerned, the duties of shipping commissioner under title 53 of the Revised Statutes. Whenever the master of any vessel shall engage his crew, or any part of the same, in any collection district where no Coast Guard official to perform the duties of shipping commissioner shall have been appointed, he may perform for himself the duties of such commissioner. (R.S. § 4504; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Apprentices

46 U.S.C. 561 (R.S. 4509)

Every Coast Guard official to whom the duties of shipping commissioner appointed under title 53 of the Revised Statutes have been delegated shall, if applied to for the purpose of apprenticing boys to the sea service, by any master or owner of a vessel, or by any person legally qualified, give such assistance as is in his power for facilitating the making of such apprenticeships; but such Coast Guard official shall ascertain that the boy has voluntarily consented to be bound, and that the parents or guardian of such boy have consented to such apprenticeship, and that he has attained the age of twelve years, and is of sufficient health and strength, and that the master to whom such boy is to be bound is a proper person for the purpose. Such apprenticeship shall terminate when the apprentice becomes eighteen years of age. Such Coast Guard official shall keep a register of all indentures of apprenticeship made before him. (R.S. § 4509; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Indenture of apprentice to be produced; assignment

46 U.S.C. 562 (R.S. 4510)

The master of every foreign-going vessel shall, before carrying any apprentice to sea from any place in the United States, cause such apprentice to appear before the Coast Guard official to whom the duties of shipping commissioner have been delegated before whom the crew is engaged, and shall produce to him the indenture by which such apprentice is bound, and the assignment or assignments thereof if any; and the name of the apprentice, with the date of the indenture and of the assignment or assignments thereof, if any, shall be entered on the agreement; which shall be in the form as near as may be given in the table marked "A" in the schedule annexed to this chapter, and no such assignment shall be made without the approval of such Coast Guard official, of the apprentice, and of his parents or his guardian. For any violation of this section, the master shall be liable to a penalty of not more than \$100. (R.S. § 4510; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

List of crew to be delivered to collector

46 U.S.C. 674 (R.S. 4573)

Before a clearance is granted to any vessel bound on a foreign voyage or engaged in the whale fishery, the master thereof shall deliver to the collector of the customs a list containing the names, places of birth and residence, and description of the persons who compose his ship's company; to which list the oath of the captain shall be annexed, that the list contains the names of his crew, together with the places of their birth and residence, as far as he can ascertain them; and the collector shall deliver him a certified copy thereof. (R.S. § 4537.)

Certificate to list of crew; record**46 U.S.C. 675 (R.S. 4574)**

In all cases of private vessels of the United States sailing from a port in the United States to a foreign port, the list of the crew shall be examined by the collector for the district from which the vessel shall clear, and, if approved of by him, shall be certified accordingly. No person shall be admitted or employed on board of any such vessel unless his name shall have been entered in the list of the crew, approved and certified by the collector for the district from which the vessel shall clear. The collector, before he delivers the list of the crew, approved and certified, to the master or proper officer of the vessel to which the same belongs, shall cause the same to be recorded in a book by him for that purpose to be provided, and the record shall be open for the inspection of all persons, and a certified copy thereof shall be admitted in evidence in any court in which any question may arise under any of the provisions of title 53 of the Revised Statutes. (R.S. § 4574.)

Rules as to list of crew**46 U.S.C. 676 (R.S. 4575)**

The following rules shall be observed with reference to vessels bound on any foreign voyage:

First. The duplicate list of the ship's company required to be made out by the master and delivered to the collector of the customs, under section 674 of this title, shall be a fair copy in one uniform handwriting without erasures or interlineations.

Second. It shall be the duty of the owners of every such vessel to obtain from the collector of the customs of the district from which the clearance is made, a true and certified copy of the shipping articles containing the names of the crew, which shall be written in a uniform hand, without erasures or interlineations.

Third. These documents, which shall be deemed to contain all the conditions of contract with the crew as to their service, pay, voyage, and all other things, shall be produced by the master, and laid before any consul of the United States, whenever he may deem their contents necessary to enable him to discharge the duties imposed upon him by law toward any mariner applying to him for his aid or assistance.

Fourth. All interlineations, erasures, or writing in a hand different from that in which such duplicates were originally made, shall be deemed fraudulent alterations, working no change in such papers, unless satisfactorily explained in a manner consistent with innocent purposes and the provisions of law which guard the rights of mariners.

Fifth. If any master of a vessel shall proceed on a foreign voyage without the documents required, or refuse to produce them when required, or to perform the duties imposed by this section, or shall violate the provisions thereof, he shall be liable to each and every individual injured thereby in damages, to be recovered in any court of the United States in the district where such delinquent may reside or be found, and in addition thereto be punishable by a fine of \$100 for each offense.

Sixth. It shall be the duty of the boarding officer to report all violations of this section to the collector of the port where any vessel may

arrive, and the collector shall report the same to the Commandant of the Coast Guard and to the United States attorney in his district. (R.S. § 4575; Feb. 27, 1877, ch. 69, § 1, 19 Stat. 252; Feb. 14, 1903, ch. 552, § 10, 32 Stat. 829; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Production of copy of list on return of vessel; production of persons named

46 U.S.C. 677 (R.S. 4576)

The master of every vessel bound on a foreign voyage or engaged in the whale fishery shall exhibit the certified copy of the list of the crew to the first boarding officer at the first port in the United States at which he shall arrive on his return, and also produce the persons named therein to the boarding officer, whose duty it shall be to examine the men with such list and to report the same to the collector; and it shall be the duty of the collector at the port of arrival, where the same is different from the port from which the vessel originally sailed, to transmit a copy of the list so reported to him to the collector of the port from which such vessel originally sailed. For each failure to produce any person on the certified copy of the list of the crew the master and owner shall be severally liable to a penalty of \$400, to be sued for, prosecuted, and disposed of in such manner as penalties and forfeitures which may be incurred for offenses against the laws relating to the collection of duties; but such penalties shall not be incurred on account of the master not producing to the first boarding officer any of the persons contained in the list who may have been discharged in a foreign country with the consent of the consul or vice consul there residing, certified in writing, under his hand and official seal, to be produced to the collector with the other persons composing the crew, nor on account of any such person dying or absconding or being forcibly impressed into other service of which satisfactory proof shall also be exhibited to the collector. (R.S. § 4576; Mar. 3, 1897, ch. 389, § 3, 29 Stat. 688; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100.)

Mode (of discharge)

46 U.S.C. 641 (R.S. 4549)

All seamen discharged in the United States from merchant vessels engaged in voyages from a port in the United States to any foreign port, or, being of the burden of seventy-five tons or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall be discharged and receive their wages in the presence of a duly authorized Coast Guard official to whom the duties of shipping commissioner under title 53 of the Revised Statutes have been delegated, except in cases where some competent court otherwise directs; and any master or owner of any such vessel who discharges any such seaman belonging thereto, or pays his wages within the United States in any other manner, shall be liable to a penalty of not more than \$50. (R.S. § 4549; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Accounting as to wages

46 U.S.C. 642 (R.S. 4550)

Every master shall, not less than forty-eight hours before paying off or discharging any seaman, deliver to him, or, if he is to be discharged before a Coast Guard official to whom the duties of shipping commissioner have been delegated, to such Coast Guard official, a full and true account of his wages, and all deductions to be made therefrom on any account whatsoever; and in default shall, for each offense, be liable to a penalty of not more than \$50. No deduction from the wages of any seaman except in respect of some matter happening after such delivery shall be allowed, unless it is included in the account delivered; and the master shall, during the voyage, enter the various matters in respect to which such deductions are made, with the amounts of the respective deductions as they occur, in the official log book, and shall, if required, produce such book at the time of the payment of wages, and, also, upon the hearing, before any competent authority, of any complaint or question relating to such payment. (R.S. § 4550, 1946 Reorg. Plan. No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Certificate of discharge; issuance; form and contents

46 U.S.C. 643(e) (R.S. 4551)

For the purpose of furnishing evidence of sea service in the case of seamen preferring the certificate of identification instead of the continuous discharge book, the Coast Guard shall provide a certificate of discharge, printed on durable paper, in such form as to specify the name and citizenship of the seaman to whom it is issued, the serial number of his certificate of identification, the name and official number of the vessel, the nature of the voyage (foreign, intercoastal, or coastwise), the class to which the vessel belongs (steam, motor, sail, or barge), the date and place of the shipment and of the discharge of such seaman, and the rating (capacity in which employed) then held by such seaman. Records of service entered in either continuous discharge books or certificates of discharge shall contain no reference to the character or ability of the seaman. The Coast Guard official to whom the duties of shipping commissioner have been delegated shall issue such certificate of discharge and make the proper entries therein, which certificate shall be signed by the seaman to whom it is issued and the master of the vessel and shall be witnessed by such Coast Guard official.

Records of discharge books and certificates

46 U.S.C. 643(f) (R.S. 4551)

There shall be maintained in the Coast Guard in Washington, District of Columbia, a record of every continuous discharge book, certificate of identification, certificate of discharge, and any other certificate issued by the Coast Guard, together with the name and address of the seaman to whom it is issued and of his next of kin, and certified copies of all entries made in continuous discharge books or certificates of discharge, which entries shall be forwarded to the

Coast Guard by the Coast Guard official to whom the duties of shipping commissioner have been delegated or other person making such entries in accordance with the provisions of this section. Records so maintained shall not be open for general or public use or inspection.

Application to fishing or whaling vessels or yachts

46 U.S.C. 643(i) (R.S. 4551)

The provisions of this section shall not apply to fishing or whaling vessels or yachts.

Performance of duties by collector, deputies, or masters

46 U.S.C. 643(k) (R.S. 4551)

Where vessels are required to sign on and discharge the crew before a Coast Guard official to whom the duties of shipping commissioner have been delegated and no such Coast Guard official is appointed or is available the functions and duties required by subsections (d) and (e) of this section to be performed by such Coast Guard official may be performed by a collector or deputy collector of customs; and where vessels are not required to sign on and discharge the crew before a Coast Guard official the duties and functions required by subsections (d) and (e) of this section to be performed by such Coast Guard official shall be performed by the master of such vessel. Any master who shall fail to perform such duties or functions shall be fined in the sum of \$50 for each offense.

Report by master of employment or discharge of seaman not shipped or discharged before Coast Guard official

46 U.S.C. 643(1) (R.S. 4551)

The master of every vessel subject to the provisions of this section shall submit, over his signature, reports to the Coast Guard of the employment, discharge, or termination of services of every seaman not shipped or discharged before a Coast Guard official to whom the duties of shipping commissioner have been delegated, which reports shall contain such of the following information as may be required by regulation of the Commandant of the Coast Guard: (1) name of vessel, official number, voyage number, port, date, description of voyage, name in full of each seaman, number of continuous discharge book or certificate of identification and of license, certificate of registry, or service, and efficiency for rating in which employed, age, citizenship, capacity in which engaged, date and place of engagement, date and place of discharge or separation from service of vessel, the percentage of citizens of the United States in the crew, and name in full of the master and the serial number of his license; (2) a statement showing (a) that the master has entered into an agreement with each seaman on board such vessel as required by law; (b) that at least 65 per centum of the deck crew (exclusive of licensed officers) are of a rating not less than able seamen; (c) that at least 75 per centum of the crew in each department are able to understand orders given by the officers; (d) that the vessel has in her service the number of lifeboatmen required by her certificate of inspection; (e) that each member of the crew possesses a license, certificate of registry,

or certificate of service for the rating in which he is engaged, and (f) that each lifeboatman possesses a certificate of efficiency. The Commandant of the Coast Guard shall, by regulation, prescribe the form and content of such reports and time of submitting them. This subsection shall not apply to any ferry or any tug used in connection with a ferry operation, if such ferry or tug is employed exclusively in trade on the Great Lakes, lakes (other than the Great Lakes), bays, sounds, bayous, canals, and harbors, and is not engaged on an international voyage. Any master who shall violate any provision of this subsection or regulations established hereunder shall be subject to a penalty of \$500. (R.S. § 4551; June 25, 1936, ch. 816, § 3, 49 Stat. 1934; Mar. 24, 1937, ch. 49, § 1, 50 Stat. 49; Oct. 17, 1940, ch. 896, § 1, 54 Stat. 1200; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Rules for settlement

46 U.S.C. 644 (R.S. 4552)

The following rules shall be observed with respect to the settlement of wages:

First. Upon the completion before a Coast Guard official to whom the duties of shipping commissioner have been delegated, of any discharge and settlement, the master or owner and each seaman, respectively, in the presence of such Coast Guard official, shall sign a mutual release of all claims for wages in respect of the past voyage or engagement, and such Coast Guard official shall also sign and attest it, and shall retain it in a book to be kept for that purpose, provided both the master and seamen assent to such settlement, or the settlement has been adjusted by such Coast Guard official.

Second. Such release so signed and attested, shall operate as a mutual discharge and settlement of all demands for wages between the parties thereto, on account of wages, in respect of the past voyage or engagement.

Third. A copy of such release, certified under the hand and seal of such Coast Guard official to be a true copy, shall be given by him to any party thereto requiring the same, and such copy shall be receivable in evidence upon any future question touching such claims, and shall have all the effect of the original of which it purports to be a copy.

Fourth. In cases in which discharge and settlement before a Coast Guard official to whom the duties of shipping commissioner have been delegated are required, no payment, receipt, settlement, or discharge otherwise made shall operate as evidence of the release or satisfaction of any claim.

Fifth. Upon payment being made by a master before a Coast Guard official to whom the duties of shipping commissioner have been delegated, such official shall, if required, sign and give to such master a statement of the whole amount so paid; and such statement shall, between the master and his employer, be received as evidence that he has made the payments therein mentioned. (R.S. § 4552; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Certificate of character**46 U.S.C. 645 (R.S. 4553)**

Upon every discharge effected before a Coast Guard official to whom the duties of shipping commissioner have been delegated, the master shall make and sign, in the form given in the table marked "B", in the schedule annexed to this chapter, a report of the conduct, character, and qualifications of the persons discharged; or may state in such form, that he declines to give any opinion upon such particulars, or upon any of them; and such Coast Guard official shall keep a register of the same, and shall, if desired so to do by any seaman, give to him or indorse on his certificate of discharge a copy of so much of such report as concerns him. (R.S. § 4553; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Discharge of crews in coastwise trade**46 U.S.C. 646**

Coast Guard officials to whom the duties of shipping commissioners have been delegated may ship and discharge crews from any vessel engaged in the coastwise trade, or the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or the Republic of Mexico, at the request of the master or owner of such vessel. (June 19, 1886, ch. 421, § 2, 24 Stat. 80; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Coast Guard official as arbiter**46 U.S.C. 651 (R.S. 4554)**

Every Coast Guard official to whom the duties of shipping commissioner have been delegated shall hear and decide any question whatsoever between a master, consignee, agent, or owner, and any of his crew, which both parties agree in writing to submit to him; and every award so made by him shall be binding on both parties, and shall, in any legal proceedings which may be taken in the matter, before any court of justice, be deemed to be conclusive as to the rights of parties. And any document under the hand and official seal of such Coast Guard official purporting to be such submission or award, shall be prima-facie evidence thereof. (R.S. § 4554; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Examination of witnesses**46 U.S.C. 652 (R.S. 4555)**

In any proceeding relating to the wages, claims, or discharge of a seaman, carried on before any Coast Guard official to whom the duties of shipping commissioner have been delegated, under the provisions of title 53 of the Revised Statutes, such Coast Guard official may call upon the owner, or his agent, or upon the master, or any mate, or any other member of the crew, to produce any log books, papers, or other documents in their possession or power, respectively, relating to any matter in question in such proceedings, and may call before him and examine any of such persons, being then at or near the place, on any

such matter; and every owner, agent, master, mate, or other member of the crew, who, when called upon by such Coast Guard official, does not produce any such books, papers, or documents, if in his possession or power, or does not appear and give evidence, shall, unless he shows some reasonable cause for such default, be liable to a penalty of not more than \$100 for each offense; and, on application made by such Coast Guard official, shall be further punished, in the discretion of the court, as in other cases of contempt of the process of the court. (R.S. § 4555; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Commencement of wages

46 U.S.C. 591 (R.S. 4524)

A seaman's right to wages and provisions shall be taken to commence either at the time at which he commences work, or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens. (R.S. § 4524.)

Wages not dependent on freight earned

46 U.S.C. 592 (R.S. 4525)

No right to wages shall be dependent on the earning of freight by the vessel; but every seaman or apprentice who would be entitled to demand and receive any wages if the vessel on which he has served has earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same of the master or owner in personam, notwithstanding that freight has not been earned. But in all cases of wreck or loss of vessel, proof that any seaman or apprentice has not exerted himself to the utmost to save the vessel, cargo, and stores shall bar his claim. (R.S. § 4525.)

Termination of wages by loss of vessel; transportation to place of shipment

46 U.S.C. 593 (R.S. 4526)

In cases where the service of any seaman terminates before the period contemplated in the agreement, by reason of the loss or wreck of the vessel, such seaman shall be entitled to wages for the time of service prior to such termination, but not for any further period. Such seaman shall be considered as a destitute seaman and shall be treated and transported to port of shipment as provided in sections 678 and 679 of this title. This section shall apply to fishing and whaling vessels but not to yachts. (R.S. § 4526; Dec. 21, 1898, ch. 28, §§ 3, 26, 30 Stat. 755, 764; Mar. 5, 1934, ch. 40, 48 Stat. 395.)

Right to wages in case of improper discharge

46 U.S.C. 594 (R.S. 4527)

Any seaman who has signed an agreement and is afterward discharged before the commencement of the voyage or before one month's wages are earned, without fault on his part justifying such discharge, and without his consent, shall be entitled to receive from the master

or owner, in addition to any wages he may have earned, a sum equal in amount to one month's wages as compensation, and may, on adducing evidence satisfactory to the court hearing the case, of having been improperly discharged, recover such compensation as if it were wages duly earned. (R.S. § 4527.)

Conduct as affecting right

46 U.S.C. 595 (R.S. 4528)

No seaman or apprentice shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, after the time fixed by the agreement for him to begin work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offense committed by him. (R.S. § 4528.)

Time for payment

46 U.S.C. 596 (R.S. 4529)

The master or owner of any vessel making coasting voyages shall pay to every seaman his wages within two days after the termination of the agreement under which he was shipped, or at the time such seaman is discharged, whichever first happens; and in case of vessels making foreign voyages, or from a port on the Atlantic to a port on the Pacific, or vice versa, within twenty-four hours after the cargo has been discharged, or within four days after the seaman has been discharged, whichever first happens; and in all cases the seaman shall be entitled to be paid at the time of his discharge on account of wages a sum equal to one-third part of the balance due him. Every master or owner who refuses or neglects to make payment in the manner hereinbefore mentioned without sufficient cause shall pay to the seaman a sum equal to two days' pay for each and every day during which payment is delayed beyond the respective periods, which sum shall be recoverable as wages in any claim made before the court; but this section shall not apply to masters or owners of any vessel the seamen of which are entitled to share in the profits of the cruise or voyage. This section shall not apply to fishing or whaling vessels or yachts. (R.S. § 4529; Dec. 21, 1898, ch. 28, §§ 4, 26, 30 Stat. 756, 764; Mar. 4, 1915, ch. 153, § 3, 38 Stat. 1164.)

Payment at ports

46 U.S.C. 597 (R.S. 4530)

Every seaman on a vessel of the United States shall be entitled to receive on demand from the master of the vessel to which he belongs one-half part of the balance of his wages earned and remaining unpaid at the time when such demand is made at every port where such vessel, after the voyage has been commenced, shall load or deliver cargo before the voyage is ended, and all stipulations in the contract to the contrary shall be void: *Provided*, Such a demand shall not be made before the expiration of, nor oftener than once in five days nor more than once in the same harbor on the same entry. Any failure on the part of the master to comply with this demand shall

release the seaman from his contract and he shall be entitled to full payment of wages earned. And when the voyage is ended every such seaman shall be entitled to the remainder of the wages which shall be then due him, as provided in section 596 of this title: *Provided further*, That notwithstanding any release signed by any seaman under section 644 of this title any court having jurisdiction may upon good cause shown set aside such release and take action as justice shall require: *And provided further*, That this section shall apply to seamen on foreign vessels while in harbors of the United States, and the courts of the United States shall be open to such seamen for its enforcement. This section shall not apply to fishing or whaling vessels or yachts. (R.S. § 4530; Dec. 21, 1898, ch. 28, §§ 5, 26, 30 Stat. 756, 764; Mar. 4, 1915, ch. 153, § 4, 38 Stat. 1165; June 5, 1920, ch. 250, § 31, 41 Stat. 1006.)

Advances and allotments

46 U.S.C. 599

(a) It shall be unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages, or to make any order, or note, or other evidence of indebtedness therefor to any other person, or to pay any person, for the shipment of seamen when payment is deducted or to be deducted from a seaman's wages. Any person violating any of the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$25 nor more than \$100, and may also be imprisoned for a period of not exceeding six months, at the discretion of the court. The payment of such advance wages or allotment, whether made within or without the United States or territory subject to the jurisdiction thereof, shall in no case except as herein provided absolve the vessel or the master or the owner thereof from the full payment of wages after the same shall have been actually earned, and shall be no defense to a libel suit or action for the recovery of such wages. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be deemed guilty of a misdemeanor and shall be imprisoned not more than six months or fined not more than \$500.

(b) It shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages he may earn (1) to his grandparents, parents, wife, sister, or children; (2) to an agency duly designated by the Secretary of the Treasury for the handling of applications for United States Savings Bonds, for the purpose of purchasing such bonds for the seaman; or (3) for deposits to be made in an account for savings, or investment opened by him and maintained in his name either at a savings bank or a United States postal savings depository subject to the governing regulations thereof, or a savings institution in which such accounts are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(c) No allotment shall be valid unless in writing and signed by and approved by the Coast Guard official to whom the duties of shipping commissioner have been delegated. It shall be the duty of the said Coast Guard official to examine such allotments and the parties to them and enforce compliance with the law. All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be inserted in the agreement and shall state the amounts and times of the payments to be made and the persons to whom the payments are to be made, or by directing the payments to be made to a savings bank or a United States postal savings depository in an account maintained in his name.

(d) No allotment except as provided in this section shall be legal. Any person who shall falsely claim to be such relation, as above described, or to be a savings bank or a United States postal savings depository and as such an allottee of the seaman under this section shall for every such offense be punished by a fine not exceeding \$500 or imprisonment not exceeding six months, at the discretion of the court.

(e) This section shall apply as well to foreign vessels while in waters of the United States, as to vessels of the United States, and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for similar violation.

The master, owner, consignee, or agent of any vessel of the United States, or of any foreign vessel seeking clearance from a port of the United States, shall present his shipping articles at the office of clearance, and no clearance shall be granted any such vessel unless the provisions of this section have been complied with.

(f) The Commandant of the Coast Guard shall make regulations to carry out this section. This section shall not apply to fishing or whaling vessels or yachts.

(g) The provisions of this section shall not apply to, or render unlawful, deductions made by an employer from the wages of a seaman, pursuant to the written consent of the seaman, if (1) such deductions are paid into a trust fund established for the sole and exclusive benefit of seamen employed by such employer, and their families and dependents (or of such seamen, families, and dependents jointly with seamen employed by other employers and their families and dependents); and (2) such payments are held in trust for the purpose of providing, either from principal or income or both, for the benefit of such seamen, their families, and dependents, medical and/or hospital care, pensions on retirement or death of the seamen, life insurance, unemployment benefits, compensation for illness or injuries resulting from occupational activity, sickness, accident, and disability compensation, or any one or more of the foregoing benefits, or for the purpose of purchasing insurance to provide any one or more of such benefits. (June 26, 1884, ch. 121, § 10, 23 Stat. 55; Dec. 21, 1898, ch. 28, §§ 24, 26, 30 Stat. 763, 764; Apr. 26, 1904, ch. 1603, § 1, 33 Stat. 308; Mar. 4, 1915, ch. 153, § 11, 38 Stat. 1168; June 5, 1920, ch. 250, § 32, 41 Stat. 1006; June 30, 1932, ch. 314, § 501, 47 Stat. 415; May 27, 1936, ch. 463, § 1, 49 Stat. 1380; May 31, 1939, ch. 158, 53 Stat. 794;

1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097; Sept. 29, 1950, ch. 1109, 64 Stat. 1081; Jan. 10, 1951, ch. 1222, 64 Stat. 1239.)

Agreements as to loss of lien or right to wages

46 U.S.C. 600 (R.S. 4535)

No seaman shall, by any agreement other than is provided by title 53 of the Revised Statutes, forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled; and every stipulation in any agreement inconsistent with any provision of title 53 of the Revised Statutes, and every stipulation by which any seaman consents to abandon his right to his wages in the case of the loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative. (R.S. § 4535.)

Attachment or arrestment of wages; support of seaman's wife; State tax laws

46 U.S.C. 601

No wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court, and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of wages or of any attachment, encumbrance, or arrestment thereon; and no assignment or sale of wages or of salvage made prior to the accruing thereof shall bind the party making the same, except such allotments as are authorized by this title. This section shall apply to fishermen employed on fishing vessels as well as to seamen: *Provided*. That nothing contained in this or any preceding section shall interfere with the order by any court regarding the payment by any seaman of any part of his wages for the support and maintenance of his wife and minor children: *And provided further*. That no part of the wages due or accruing to a master, officer, or any other seaman who is a member of the crew on a vessel engaged in the foreign, coastwise, intercoastal, interstate, or noncontiguous trade shall be withheld pursuant to the provisions of the tax laws of any State, Territory, possession, or Commonwealth, or a subdivision of any of them. (As amended Sept. 14, 1959, Pub. L. 86-263, 73 Stat. 551.)

Limit of sum recoverable during voyage

46 U.S.C. 602 (R.S. 4537)

No sum exceeding \$1 shall be recoverable from any seaman, by any one person, for any debt contracted during the time such seaman shall actually belong to any vessel, until the voyage for which such seaman engaged shall be ended. (R.S. § 4537.)

Summons for nonpayment

46 U.S.C. 603 (R.S. 4546)

Whenever the wages of any seaman are not paid within ten days after the time when the same ought to be paid according to the pro-

visions of title 53 of the Revised Statutes, or any dispute arises between the master and seamen touching wages, the district judge for the judicial district where the vessel is, or in case his residence be more than three miles from the place, or he be absent from the place of his residence, then, any judge or justice of the peace, or any United States commissioner, may summon the master of such vessel to appear before him, to show cause why process should not issue against such vessel, her tackle, apparel, and furniture, according to the course of admiralty courts, to answer for the wages. (R.S. § 4546; May 28, 1896, ch. 252, § 19, 29 Stat. 184; Mar. 2, 1901, ch. 814, 31 Stat. 956.)

Libel for wages

46 U.S.C. 604 (R.S. 4547)

If the master against whom such summons is issued neglects to appear, or, appearing, does not show that the wages are paid or otherwise satisfied or forfeited, and if the matter in dispute is not forthwith settled the judge or justice or United States commissioner shall certify to the clerk of the district court that there is sufficient cause of complaint whereon to found admiralty process; and thereupon the clerk of such court shall issue process against the vessel. In all cases where the matter in demand does not exceed \$100 the return day of the monition or citation shall be the first day of a stated or special session of court next succeeding the third day after the service of the monition or citation, and on the return of process in open court, duly served, either party may proceed therein to proofs and hearing without other notice, and final judgment shall be given according to the usual course of admiralty courts in such cases. In such suits all the seamen having cause of complaint of the like kind against the same vessel may be joined as complainants, and it shall be incumbent on the master to produce the contract and logbook, if required to ascertain any matter in dispute; otherwise the complainants shall be permitted to state the contents thereof, and the burden of proof of the contrary shall be on the master. But nothing herein contained shall prevent any seaman from maintaining any action at common law for the recovery of his wages, or having immediate process out of any court having admiralty jurisdiction wherever any vessel may be found, in case she shall have left the port of delivery where her voyage ended before payment of the wages, or in case she shall be about to proceed to sea before the end of the ten days next after the day when such wages are due, in accordance with section 596 of this title. This section shall not apply to fishing or whaling vessels or yachts. (R.S. § 4547; May 28, 1896, ch. 252, § 19, 29 Stat. 184; Dec. 21, 1898, ch. 28, §§ 6, 26, 30 Stat. 756, 764; Mar. 2, 1901, ch. 814, 31 Stat. 956.)

Libel of canalboats for wages

46 U.S.C. 611 (R.S. 4251)

No canalboat, without masts or steam power, which is required to be registered, licensed, or enrolled and licensed, shall be subject to be libeled in any of the United States courts for the wages of any person who may be employed on board thereof, or in navigating the same. (R.S. § 4251.)

Appropriation of wages to costs of conviction**46 U.S.C. 707 (R.S. 4605)**

Whenever in any proceeding relating to seamen's wages it is shown that any seaman or apprentice has, in the course of the voyage, been convicted of any offense by any competent tribunal, and rightfully punished therefor, by imprisonment or otherwise, the court hearing the case may direct a part of the wages due to such seaman, not exceeding \$15, to be applied in reimbursing any costs properly incurred by the master in procuring such conviction and punishment. (R.S. § 4605; Feb. 27, 1877; ch. 69, § 1, 19 Stat. 252.)

Wages on discharge before consular officer**46 U.S.C. 682 (R.S. 4580)**

Upon the application of the master of any vessel to a consular officer to discharge a seaman, or upon the application of any seaman for his own discharge, if it appears to such officer that said seaman has completed his shipping agreement, or is entitled to his discharge under any Act of Congress or according to the general principles or usages of maritime law as recognized in the United States, such officer shall discharge said seaman, and require from the master of said vessel, before such discharge shall be made, payment of the wages which may then be due said seaman; but no payment of extra wages shall be required by any consular officer upon such discharge of any seaman except as provided in sections 658, 683, 684, and 685 of this title. (R.S. § 4580; June 26, 1884, ch. 121, § 2, 23 Stat. 54.)

Penalty for neglect of consular officer to collect wages; incapacitated seaman**46 U.S.C. 683 (R.S. 4581)**

If any consular officer, when discharging any seaman, shall neglect to require the payment of and collect the arrears of wages and extra wages required to be paid in the case of the discharge of any seaman, he shall be accountable to the United States for full amount thereof. The master shall provide any seaman so discharged with employment on a vessel agreed to by the seaman, or shall provide him with one month's extra wages, if it shall be shown to the satisfaction of the consul that such seaman was not discharged for neglect of duty, incompetency, or injury incurred on the vessel. If the seaman is discharged by voluntary consent before the consul, he shall be entitled to his wages up to the time of his discharge, but not for any further period. If the seaman is discharged on account of injury or illness, incapacitating him for service, the expenses of his maintenance and return to the United States shall be paid from the fund for the maintenance and transportation of destitute American seamen.

Provided, That at the discretion of the Commandant of the Coast Guard, and under such regulations as he may prescribe, if any seaman incapacitated from service by injury or illness is on board a vessel so situated that a prompt discharge requiring the personal appearance of the master of the vessel before an American consul or consular agent is impracticable, such seaman may be sent to a consul or consular

agent, who shall care for him and defray the cost of his maintenance and transportation, as provided in this paragraph. (R.S. § 4581; June 26, 1884, ch. 121, § 7, 23 Stat. 55; Dec. 21, 1898, ch. 28, §§ 16, 25, 30 Stat. 759, 764; Mar. 4, 1915, ch. 153, § 19, 38 Stat. 1185; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Wages on discharge in case of sale

46 U.S.C. 684 (R.S. 4582)

Whenever a vessel of the United States is sold in a foreign country and her company discharged, it shall be the duty of the master to produce to the consular officer a certified list of the ship's company, and also the shipping articles, and besides paying to each seaman or apprentice the wages due him, he shall either provide him with adequate employment on board some other vessel bound to the port at which he was originally shipped, or to such other port as may be agreed upon by him, or furnish the means of sending him to such port, or provide him with a passage home, or deposit with the consular officer such a sum of money as is by the officer deemed sufficient to defray the expenses of his maintenance and passage home; and the consular officer shall indorse upon the agreement with the crew of the ship which the seaman or apprentice is leaving the particulars of any payment, provision, or deposit made under this section. A failure to comply with the provisions of this section shall render the owner liable to a fine of not exceeding \$50. (R.S. § 4582; June 26, 1884, ch. 121, § 5, 23 Stat. 54; Dec. 21, 1898, ch. 28, § 17, 30 Stat. 759.)

Wages on justifiable complaint of seaman

46 U.S.C. 685 (R.S. 4583)

Whenever on the discharge of a seaman in a foreign country by a consular officer on his complaint that the voyage is continued contrary to agreement, or that the vessel is badly provisioned or unseaworthy, or against the officers for cruel treatment, it shall be the duty of the consul or consular agent to institute a proper inquiry into the matter, and, upon his being satisfied of the truth and justice of such complaint, he shall require the master to pay to such seaman one month's wages over and above the wages due at the time of discharge, and to provide him with adequate employment on board some other vessel, or provide him with a passage on board some other vessel bound to the port from which he was originally shipped, or to the most convenient port of entry in the United States, or to a port agreed to by the seaman. (R.S. § 4583; June 26, 1884, ch. 121, § 3, 23 Stat. 54; Dec. 21, 1898, ch. 28, § 18, 30 Stat. 760.)

Duty of consular officers as to insubordination

46 U.S.C. 703 (R.S. 4600)

It shall be the duty of all consular officers to discountenance insubordination by every means in their power and, where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end in the most effectual manner. In all cases where seamen or officers are accused, the consular officer

shall inquire into the facts and proceed as provided in section 685 of this title; and the officer discharging such seaman shall enter upon the crew list and shipping articles and official log the cause of such discharge and the particulars in which the cruel or unusual treatment consisted and subscribe his name thereto officially. He shall read the entry made in the official log to the master, and his reply thereto, if any, shall likewise be entered and subscribed in the same manner (R.S. § 4600; June 26, 1884, ch. 121, § 6, 23 Stat. 55; Dec. 21, 1898, ch. 28, § 21, 30 Stat. 761; Mar. 4, 1915, ch. 153, § 8, 38 Stat. 1167.)

Enforcement of forfeitures

46 U.S.C. 705 (R.S. 4603)

Any question concerning the forfeiture of, or deductions from, the wages of any seaman or apprentice may be determined in any proceeding lawfully instituted with respect to such wages, notwithstanding the offense in respect of which such question arises, though made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding. (R.S. § 4603.)

Vessels engaged in taking oysters

46 U.S.C. 598

Sections 596, 599, and 604 of this title shall apply to all vessels engaged in the taking of oysters. (June 28, 1906, ch. 3583, § 4, 34 Stat. 551.)

Wages payable in gold

46 U.S.C. 605 (R.S. 4548)

Moneys paid under the laws of the United States, by direction of consular officers or agents, at any foreign port or place, as wages, extra or otherwise, due American seamen, shall be paid in gold or its equivalent, without any deduction whatever, any contract to the contrary notwithstanding. (R.S. § 4548.)

NOTE.—Gold coinage discontinued in United States. Obligations discharged by legal tender for public and private debts, see sections 315b and 463 of Title 31, Money and Finance.

SUBCHAPTER 6K.—EFFECTS OF DESERTED OR DECEASED SEAMEN**Duty of master where seaman dies during voyage****46 U.S.C. 621 (R.S. 4538)**

Whenever any seaman or apprentice belonging to or sent home on any merchant vessel, whether a foreign-going or domestic vessel, employed on a voyage which is to terminate in the United States, dies during such voyage, the master shall take charge of all moneys, clothes, and effects which he leaves on board, and shall, if he thinks fit, cause all or any of such clothes and effects to be sold by auction at the mast or other public auction, and shall thereupon sign an entry in the official logbook, and cause it to be attested by the mate and one of the crew, containing the following particulars:

First. A statement of the amount of money so left by the deceased.

Second. In case of a sale, a description of each article sold, and the sum received for each.

Third. A statement of the sum due to deceased as wages, and the total amount of deductions, if any, to be made therefrom. (R.S. § 4538.)

Proceedings in regard to effects**46 U.S.C. 622 (R.S. 4539)**

In cases embraced by section 621 of this title, the following rules shall be observed:

First. If the vessel proceeds at once to any port in the United States, the master shall, within forty-eight hours after his arrival, deliver any such effects remaining unsold, and pay any money which he has taken charge of or received from such sale, and the balance of wages due to the deceased, to the Coast Guard official to whom the duties of shipping commissioner have been delegated at the port of destination in the United States.

Second. If the vessel touches and remains at some foreign port before coming to any port in the United States, the master shall report the case to the United States consular officer there, and shall give to such officer any information he requires as to the destination of the vessel and probable length of the voyage; and such officer may, if he considers it expedient so to do, require the effects, money, and wages to be delivered and paid to him, and shall, upon such delivery and payment, give to the master a receipt; and the master shall within forty-eight hours after his arrival at his port of destination in the United States produce the same to the Coast Guard official to whom the duties of shipping commissioner have been delegated there. Such consular officer shall, in any such case, indorse and certify upon the agreement with the crew the particulars with respect to such delivery and payment.

Third. If the consular officer does not require such payment and delivery to be made to him, the master shall take charge of the effects, money, and wages, and shall, within forty-eight hours after his arrival at his port of destination in the United States, deliver and pay the same to the Coast Guard official to whom the duties of shipping commissioner have been delegated there.

Fourth. The master shall, in all cases in which any seaman or apprentice dies during the voyage or engagement, give to such officer or Coast Guard official an account, in such form as they may respectively require, of the effects, money, and wages so to be delivered and paid; and no deductions claimed in such account shall be allowed unless verified by an entry in the official log book, if there be any; and by such other vouchers, if any, as may be reasonably required by the officer or Coast Guard official to whom the account is rendered.

Fifth. Upon due compliance with such of the provisions of this section as relate to acts to be done at the port of destination in the United States, the Coast Guard official to whom the duties of shipping commissioner have been delegated shall grant to the master a certificate to that effect. No officer of customs shall clear any foreign-going vessel without the production of such certificate. (R.S. § 4539; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Penalty for neglect of master

46 U.S.C. 623 (R.S. 4540)

Whenever any master fails to take such charge of the money or other effects of a seaman or apprentice during a voyage, or to make such entries in respect thereof, or to procure such attestation to such entries, or to make such payment or delivery of any money, wages, or effects of any seaman or apprentice dying during a voyage, or to give such account in respect thereof as is above directed, he shall be accountable for the money, wages, and effects of the seaman or apprentice to the district court in whose jurisdiction such port of destination is situate, and shall pay and deliver the same accordingly; and he shall, in addition, for every such offense, be liable to a penalty of not more than treble the value of the money or effects, or, if such value is not ascertained, not more than \$200; and if any such money, wages, or effects are not duly paid, delivered, and accounted for by the master, the owner of the vessel shall pay, deliver, and account for the same, and such money and wages and the value of such effects shall be recoverable from him accordingly; and if he fails to account for and pay the same, he shall, in addition to his liability for the money and value be liable to the same penalty which is incurred by the master for a like offense; and all money, wages, and effects of any seaman or apprentice dying during a voyage shall be recoverable in the courts and by the modes of proceeding by which seamen are enabled to recover wages due to them. (R.S. § 4540; Mar. 3, 1911, ch. 231, 36 Stat. 1167.)

Duties of consular officers

46 U.S.C. 624 (R.S. 4541)

Whenever any such seaman or apprentice dies at any place out of the United States, leaving any money or effects not on board of his vessel, the consular officer of the United States at or nearest the place shall claim and take charge of such money and effects, and shall, if he thinks fit, sell all or any of such effects, or any effects of any deceased seaman or apprentice delivered to him under the provisions

of section 622 of this title, and shall quarterly remit to the district court of the district embracing the port from which such vessel sailed, or the port where the voyage terminates, all moneys belonging to or arising from the sale of the effects or paid as the wages of any deceased seamen or apprentices which have come to his hands; and shall render such accounts thereof as the district court requires. (R.S. § 4541; Mar. 3, 1897, ch. 389, § 4, 29 Stat. 689; Mar. 3, 1911, ch. 231, 36 Stat. 1167.)

Effects of seaman dying within the United States

46 U.S.C. 625 (R.S. 4542)

Whenever any seaman or apprentice dies in the United States, and is, at the time of his death, entitled to claim from the master or owner of any vessel in which he has served, any unpaid wages or effects, such master or owner shall pay and deliver or account for the same, to the Coast Guard official to whom the duties of shipping commissioner have been delegated at the port where the seaman or apprentice was discharged, or was to have been discharged or where he died. (R.S. § 4542; Mar. 3, 1897, ch. 389, § 6, 29 Stat. 689; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Payment to district court

46 U.S.C. 626 (R.S. 4543)

Every Coast Guard official to whom the duties of shipping commissioner have been delegated in the United States shall, within one week from the date of receiving any such money, wages, or effects of any deceased seaman or apprentice, pay, remit, or deliver to the district court of the district in which he resides, the money, wages, or effects, subject to such deductions as may be allowed by the district court for expenses incurred in respect to such money and effects; and should any such Coast Guard official fail to pay, remit, and deliver the same to the district court, within the time hereinbefore mentioned, he shall incur a penalty of not more than treble the value of such money and effects. (R.S. § 4543; Mar. 3, 1911, ch. 231, 36 Stat. 1167; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Distribution by district court

46 U.S.C. 627 (R.S. 4544)

If the money and effects of any seaman or apprentice paid, remitted, or delivered to the district court, including the moneys received for any part of his effects which have been sold, either before delivery to the district court, or by its directions, do not exceed in value the sum of \$1,500, then, subject to the provisions hereinafter contained, and to all such deductions for expenses incurred in respect to the seaman or apprentice, or of his money and effects, as the said court thinks fit to allow, the court may, after a period of not less than sixty days after such payment, remittance, or delivery has been made to the court, pay and deliver the said money and effects to any claimants who can prove

themselves either to be his widow or children, or to be entitled to the effects of the deceased under his will, or under any statute, or at common law, or to be entitled to procure probate, or take out letters of administration or confirmation, although no probate or letters of administration or confirmation have been taken out, and shall be thereby discharged from all further liability in respect of the money and effects so paid and delivered; or may, if it thinks fit so to do, require probate, or letters of administration or confirmation, to be taken out, and thereupon pay and deliver the said money and effects to the legal personal representatives of the deceased; and if such money and effects exceed in value the sum of \$1,500, then, subject to deduction for expenses, the court shall pay and deliver the same to the legal personal representatives of the deceased. (As amended Sept. 22, 1959, Pub. L. 86-364, §§ 1, 2, 73 Stat. 646.)

Unclaimed wages and effects

46 U.S.C. 628 (R.S. 4545)

A district court, in its discretion, may at any time direct the sale of the whole or any part of the effects of a deceased seaman or apprentice, which it has received, and shall hold the proceeds of such sale as the wages of deceased seamen are held. When no claim to the wages or effects or proceeds of the sale of the effects of a deceased seaman or apprentice, received by a district court, is substantiated within six years after the receipt thereof by the court, it shall be in the absolute discretion of the court, if any subsequent claim is made, either to allow or refuse the same. Such courts shall, from time to time, pay any moneys arising from the unclaimed wages and effects of deceased seamen, which in their opinion it is not necessary to retain for the purpose of satisfying claims, into the Treasury of the United States, and such moneys shall form a fund for, and be appropriated to, the relief of sick and disabled and destitute seamen belonging to the United States merchant marine service. (R.S. § 4545; Mar. 3, 1897, ch. 389, § 7, 29 Stat. 689; Mar. 3, 1911, ch. 231, 36 Stat. 1167.)

Disposal of forfeitures

46 U.S.C. 706 (R.S. 4604)

All clothes, effects, and wages which, under the provisions of title 53 of the Revised Statutes, are forfeited for desertion, shall be applied, in the first instance, in payment of the expenses occasioned by such desertion, to the master or owner of the vessel from which the desertion has taken place, and the balance, if any, shall be paid by the master or owner to any Coast Guard official to whom the duties of shipping commissioner have been delegated resident at the port at which the voyage of such vessel terminates; and such Coast Guard official shall account for and pay over such balance to the judge of the district court within one month after such Coast Guard official receives the same, to be disposed of by him in the same manner as is prescribed for the disposal of the money, effects, and wages of deceased seamen. Whenever any master or owner neglects or refuses to pay over to such Coast Guard official such balance, he shall be liable to a penalty of double

the amount thereof, recoverable by such Coast Guard official in the same manner that seamen's wages are recovered. In all other cases of forfeiture of wages, the forfeiture shall be for the benefit of the master or owner by whom the wages are payable. (R.S. § 4604; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167; 1946 Reorg. Plan No. 3, §§ 101-204, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Chapter 7.—MARINE CASUALTIES

SUBCHAPTER 7A.—GENERAL PROVISIONS

Duty of master of vessel in collision to give aid, name of his vessel, etc.

33 U.S.C. 367

In every case of collision between two vessels it shall be the duty of the master or person in charge of each vessel, if and so far as he can do so without serious danger to his own vessel, crew, and passengers (if any), to stay by the other vessel until he has ascertained that she has no need of further assistance, and to render to the other vessel, her master, crew, and passengers (if any) such assistance as may be practicable and as may be necessary in order to save them from any danger caused by the collision, and also to give to the master or person in charge of the other vessel the name of his own vessel and her port of registry, or the port or place to which she belongs, and also the name of the ports and places from which and to which she is bound. If he fails so to do, and no reasonable cause for such failure is shown, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wrongful act, neglect, or default. (Sept. 4, 1890, ch. 875, § 1, 26 Stat. 425.)

Penalty for failure to give aid, etc.

33 U.S.C. 368

Every master or person in charge of a United States vessel who fails, without reasonable cause, to render such assistance or give such information as required in section 367 of this title shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of \$1,000, or imprisonment for a term not exceeding two years; and for the above sum the vessel shall be liable and may be seized and proceeded against by process in any district court of the United States by any person; one half such sum to be payable to the informer and the other half to the United States. (Sept. 4, 1890, ch. 875, § 2, 26 Stat. 425.)

Reckless or negligent operation of vessels; prohibition; accident assistance, information and report

46 U.S.C. 526L

(a) No person shall operate any motorboat or any vessel in a reckless or negligent manner so as to endanger the life, limb, or property of any person. To "operate" means to navigate or otherwise use a motorboat or a vessel.

(b) In the case of collision, accident, or other casualty involving a motorboat or other vessel subject to this subchapter, it shall be the duty of the operator, if and so far as he can do so without serious danger to his own vessel, or persons aboard, to render such assistance

as may be practicable and necessary to other persons affected by the collision, accident, or casualty in order to save them from danger caused by the collision, accident, or casualty. He shall also give his name, address, and identification of his vessel to any person injured and to the owner of any property damaged. The duties imposed by this subsection shall be in addition to any duties otherwise provided by law.

(c) In the case of collision, accident, or other casualty involving a motorboat or other vessel subject to this subchapter, the operator thereof, if the collision, accident, or other casualty results in death or injury to any person, or damage to property in excess of \$100, shall file with the Secretary of the Department within which the Coast Guard is operating, unless such operator is required to file an accident report with the State under section 527a(c) (6) of this title, a full description of the collision, accident, or other casualty, including such information as the Secretary may by regulation require. (Apr. 25, 1940, ch. 155, § 13, 54 Stat. 166; Sept. 2, 1958, Pub. L. 85-911, § 6(a), 72 Stat. 1756.)

Same; penalty

46 U.S.C. 526m

Any person who shall operate any motorboat or any vessel in a reckless or negligent manner so as to endanger the life, limb, or property of any person shall be deemed guilty of a misdemeanor and on conviction thereof by any court of competent jurisdiction shall be punished by a fine not exceeding \$2,000, or by imprisonment for a term of not exceeding one year, or by both such fine and imprisonment, at the discretion of the court. (Apr. 25, 1940, ch. 155, § 14, 54 Stat. 166.)

Reports of accidents generally; penalty

33 U.S.C. 361

Whenever any vessel of the United States has sustained or caused any accident involving the loss of life, the material loss of property, or any serious injury to any person, or has received any material damage affecting her seaworthiness or her efficiency, the managing owner, agent, or master of such vessel, shall within five days after the happening of such accident or damage, or as soon thereafter as possible, send, by letter to the Coast Guard official of the district wherein such vessel belongs or of that within which such accident or damage occurred, a report thereof, signed by such owner, agent, or master, stating the name and official number (if any) of the vessel, the port to which she belongs, the place where she was, the nature and probable occasion of the casualty, the number and names of those lost, and the estimated amount of loss or damage to the vessel or cargo; and shall furnish, upon the request of either of such Coast Guard officials, such other information concerning the vessel, her cargo, and the casualty as may be called for; and if he neglect or refuse to comply with the foregoing requirements after a reasonable time, he shall incur a penalty of \$100. (June 20, 1874, ch. 344, § 10, 18 Stat. 128; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Report of probable loss of vessel; penalty**33 U.S.C. 362**

Whenever the managing owner or agent of any vessel of the United States has reason, owing to the nonappearance of such vessel, or to any other circumstance, to apprehend that such vessel has been lost, he shall, as soon as conveniently may be, send notice, in writing, to the Coast Guard official of the port to which said vessel belonged, of such loss, and the probable occasion thereof stating the name and the official number (if any) of the vessel, and the names of all persons on board, so far as the same can be ascertained, and shall furnish, upon request of the Coast Guard official of such port, such additional information as he may be able; and if he neglect to comply with the above requirements within a reasonable time, he shall incur a penalty of \$100. (June 20, 1874, ch. 344, § 11, 18 Stat. 128; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Reports by owners, etc., of barges in tow**33 U.S.C. 365**

The owner, agent, or master of every barge which, while in tow through the open sea, has sustained or caused any accident, shall be subject in all respects to the provisions of sections 361-364 of this title, and the reports therein prescribed shall be transmitted by Coast Guard officials to the Commandant of the Coast Guard. (Mar. 4, 1915, ch. 153, § 15, 38 Stat. 1184; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Remission and recovery of penalties**33 U.S.C. 364**

The Commandant of the Coast Guard may, upon application therefor, remit or mitigate any penalty provided for in sections 361-363 of this title, or discontinue any prosecution to recover the same, upon such terms as he, in his discretion, shall think proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as he may think proper. All penalties provided for in said sections may be sued for, prosecuted, recovered, and disposed of in the manner prescribed by section 396 of this title. (June 20, 1874, ch. 344, § 13, 18 Stat. 128; Mar. 3, 1897, ch. 389, § 11, 29 Stat. 689; Feb. 14, 1903, ch. 552, § 10, 32 Stat. 829; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Transmission of reports to Commandant of the Coast Guard**33 U.S.C. 363**

It shall be the duty of the Coast Guard officials to immediately transmit to the Commandant of the Coast Guard such reports and information as they may receive under the provisions of sections 361 and 362 of this title, and they shall also report to the Commandant of the Coast Guard any neglect or refusal on the part of the managing owner, agent, or master of any vessel of the United States to comply with the

requirements thereof. (June 20, 1874, ch. 344, § 12, 18 Stat. 128; Feb. 14, 1903, ch. 552, § 10, 32 Stat. 829; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; 1946 Reorg. Plan No. 3, §§ 101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.)

Saving life and property

14 U.S.C. 88

(a) In order to render aid to distressed persons, vessels, and aircraft on the high seas and on waters over which the United States has jurisdiction and in order to render aid to persons and property imperiled by flood, the Coast Guard may :

(1) perform any and all acts necessary to rescue and aid persons and protect and save property ;

(2) take charge of and protect all property saved from marine or aircraft disasters, or floods, at which the Coast Guard is present, until such property is claimed by persons legally authorized to receive it or until otherwise disposed of in accordance with law or applicable regulations, and care for bodies of those who may have perished in such catastrophes ;

(3) furnish clothing, food, lodging, medicines, and other necessary supplies and services to persons succored by the Coast Guard ; and

(4) destroy or tow into port sunken or floating dangers to navigation.

(b) The Coast Guard may render aid to persons and protect and save property at any time and at any place at which Coast Guard facilities and personnel are available and can be effectively utilized. (Aug. 4, 1949, ch. 393, 63 Stat. 501.)

SUBCHAPTER 7B.—CASUALTY INVESTIGATIONS

Casualty involving loss of life; reports**46 U.S.C. 239(a) (R.S. 4450)**

The Commandant of the Coast Guard shall prescribe rules and regulations for the investigation of marine casualties involving loss of life in order to determine whether any incompetence, misconduct, unskillfulness, or willful violation of law on the part of any licensed officer, pilot, seaman, employee, owner, or agent of such owner of any vessel involved in such casualty, or any inspector, officer of the Coast Guard, or other officer or employee of the United States, or any other person, caused or contributed to the cause of such casualty. All reports shall be made to the Commandant of the Coast Guard and such reports shall be public records and be open to inspection at reasonable times by any persons.

Casualty not involving loss of life; classification**46 U.S.C. 239(b) (R.S. 4450)**

The Commandant of the Coast Guard shall establish rules and regulations for the investigation of marine casualties and accidents not involving loss of life, any act in violation of any of the provisions of title 52 of the Revised Statutes or of any of the regulations issued thereunder, and all cases of acts of incompetency or misconduct committed by any licensed officer or holder of a certificate of service while acting under the authority of his license or certificate of service, whether or not any of such acts are committed in connection with any marine casualty or accident. The Commandant of the Coast Guard shall classify marine casualties and accidents not involving loss of life according to the gravity thereof and in making such classification the Commandant shall give consideration to the extent of injuries to persons, the extent of property damage, the dangers actual or potential which such marine casualties or accidents may create to the safety of navigation or commerce.

Immediate investigation of conduct, violations and casualties; right to counsel**46 U.S.C. 239(d) (R.S. 4450)**

All acts in violation of any of the provisions of title 52 of the Revised Statutes or of any of the regulations issued thereunder, whether or not committed in connection with any marine casualty or accident, and all acts of incompetency or misconduct, whether or not committed in connection with any marine casualty or accident, committed by any licensed officer acting under authority of his license or by any chief or assistant steward, purser, radio operator, electrician, able seaman, or lifeboatman acting under authority of a certificate of service issued to him by the Bureau of Marine Inspection and Navigation or the Coast Guard and all marine casualties and accidents and the attendant circumstances shall be immediately investigated as provided in subsections (a) and (b) of this section. The investigation shall determine, as far as possible, the cause of any such casualty or

accident, the persons responsible therefor, and whether or not the United States Government employees charged with the inspection of the vessel or the vessels involved and with the examination and licensing of the officers thereof have properly performed their duties in connection with such inspection, examination, and licensing. In all investigations conducted under the authority of this section, any owner, licensed officer, or any holder of a certificate of service, or any other person whose conduct is under investigation, or any other party in interest, shall be allowed to be represented by counsel, to cross-examine witnesses, and to call witnesses in his own behalf, and a full and complete record of the facts and circumstances shall be submitted to the Commandant of the Coast Guard.

Witnesses; subpoenas; oaths

46 U.S.C. 239(e) (R.S. 4450)

In any investigation directed by this section the Coast Guard shall have power to summon before it witnesses and to require the production of books, papers, documents, and any other evidence. Attendance of witnesses or the production of books, papers, documents, or any other evidence shall be compelled by a similar process as in the United States District Court. The Coast Guard shall administer all necessary oaths to any witnesses summoned before said investigation.

Payment of witness fees and expenses

46 U.S.C. 239(f) (R.S. 4450)

The Coast Guard shall pay, on properly certified vouchers, such fees to any witness summoned under subsection (e) of this section, for his actual travel and attendance, as shall be officially certified to not exceeding the rate allowed for fees and to witnesses for travel and attendance in any District Court of the United States.

Evidence of criminal liability; transmission to Attorney General; prosecutions

46 U.S.C. 239(h) (R.S. 4450)

If the Commandant of the Coast Guard shall find evidence of criminal liability on the part of any licensed officer or holder of a certificate of service, he shall refer all of the evidence and the findings in such investigation to the Attorney General for investigation by and prosecution through the Federal district attorney of the district having jurisdiction, under the provisions of the Criminal Code. Nothing in this section shall be construed as prohibiting the Federal district attorney from conducting a criminal investigation or prosecution in connection with a shipping casualty.

Coercion or bribery of witness; penalty; prosecution

46 U.S.C. 239(i) (R.S. 4450)

Any attempt to coerce any witness, or to induce them to testify falsely in connection with a shipping casualty, or to induce them to leave the jurisdiction of the United States, shall be punishable by a fine

of \$5,000 or imprisonment for one year, or both such fine and imprisonment. Any person making such attempts shall be prosecuted by the United States attorney of the district having jurisdiction.

Rules and regulations

46 U.S.C. 239(j) (R.S. 4450)

The Commandant of the Coast Guard shall make such regulations as may be necessary to secure the proper administration of this section.

Influencing or injuring witness before agencies and committees

18 U.S.C. 1505

Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any witness in any proceeding pending before any department or agency of the United States, or in connection with any inquiry or investigation being had by either House, or any committee of either House, or any joint committee of the Congress; or

Whoever injures any party or witness in his person or property on account of his attending or having attended such proceeding, inquiry, or investigation, or on account of his testifying or having testified to any matter pending therein, or;

Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede the due and proper administration of the law under which such proceeding is being had before such department or agency of the United States, or the due and proper exercise of the power of inquiry under which such inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress—

Shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

APPENDIX I

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INTERNATIONAL CONFERENCE ON SAFETY OF LIFE AT SEA, 1960

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FINAL ACT OF THE INTERNATIONAL CONFERENCE ON SAFETY OF LIFE AT SEA, 1960

Upon the invitation of the Inter-Governmental Maritime Consultative Organization, a Conference was held in London from 17 May to 17 June 1960 for the purpose of drawing up a Convention to replace the International Convention for the Safety of Life at Sea signed in London on 10 June 1948 as well as for the purpose of revising the International Regulations for Preventing Collisions at Sea, 1948.

The Governments of the following countries, being desirous of promoting safety of life at sea by establishing in common agreement uniform principles and rules directed thereto, were represented by Delegations at the Conference:—

Argentina	Republic of Korea
Australia	Kuwait
Belgium	Liberia
Brazil	Mexico
Bulgaria	Netherlands
Cameroun	New Zealand
Canada	Norway
China	Pakistan
Cuba	Panama
Czechoslovakia	Peru
Denmark	Philippines
Dominican Republic	Poland
Finland	Portugal
France	Spain
Federal Republic of Germany	Sweden
Greece	Switzerland
Hungary	Union of Soviet Socialist Republics
Iceland	United Arab Republic
India	United Kingdom
Ireland	United States of America
Israel	Venezuela
Italy	Yugoslavia
Japan	

The Governments of the following countries were represented at the Conference by observers:—

Ceylon	Roumania
Chile	Thailand
Guinea	Turkey
Indonesia	Union of South Africa
Iran	Vietnam

Who, having communicated their full powers, found in good and due form, have agreed as follows:—

* * * * *

INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1960

Article I

(a) The Contracting Governments undertake to give effect to the provisions of the present Convention and of the Regulations annexed thereto, which shall be deemed to constitute an integral part of the present Convention. Every reference to the present Convention implies at the same time a reference to these Regulations.

(b) The Contracting Governments undertake to promulgate all laws, decrees, orders and regulations and to take all other steps which may be necessary to give the present Convention full and complete effect, so as to ensure that, from the point of view of safety of life, a ship is fit for the service for which it is intended.

Article II

The ships to which the present Convention applies are ships registered in countries the Governments of which are Contracting Governments, and ships registered in territories to which the present Convention is extended under Article XIII.

Article III

Laws, Regulations

The Contracting Governments undertake to communicate to and deposit with the Inter-Governmental Maritime Consultative Organization (hereinafter called the Organization):

- (a) a list of non-governmental agencies which are authorised to act in their behalf in the administration of measures for safety of life at sea for circulation to the Contracting Governments for the information of their officers;
- (b) the text of laws, decrees, orders and regulations which shall have been promulgated on the various matters within the scope of the present Convention;
- (c) a sufficient number of specimens of their Certificates issued under the provisions of the present Convention for circulation to the Contracting Governments for the information of their officers.

Article IV

Cases of Force Majeure

(a) No ship, which is not subject to the provisions of the present Convention at the time of its departure on any voyage, shall become subject to the provisions of the present Convention on account of any deviation from its intended voyage due to stress of weather or any other cause of *force majeure*.

(b) Persons who are on board a ship by reason of *force majeure* or in consequence of the obligation laid upon the master to carry shipwrecked or other persons shall not be taken into account for the purpose of ascertaining the application to a ship of any provisions of the present Convention.

Article V

Carriage of Persons in Emergency

(a) For the purpose of moving persons from any territory in order to avoid a threat to the security of their lives a Contracting Government may permit the carriage of a larger number of persons in its ships than is otherwise permissible under the present Convention.

(b) Such permission shall not deprive other Contracting Governments of any right of control under the present Convention over such ships which come within their ports.

(c) Notice of any such permission, together with a statement of the circumstances, shall be sent to the Organization by the Contracting Government granting such permission.

Article VI

Suspension in case of War

(a) In case of war or other hostilities, a Contracting Government which considers that it is affected, whether as a belligerent or as a neutral, may suspend the operation of the whole or any part of the Regulations annexed hereto. The suspending Government shall immediately give notice of any such suspension to the Organization.

(b) Such suspension shall not deprive other Contracting Governments of any right of control under the present Convention over the ships of the suspending Government when such ships are within their ports.

(c) The suspending Government may at any time terminate such suspension and shall immediately give notice of such termination to the Organization.

(d) The Organization shall notify all Contracting Governments of any suspension or termination of suspension under this Article.

Article VII

Prior Treaties and Conventions

(a) As between the Contracting Governments the present Convention replaces and abrogates the International Convention for the Safety of Life at Sea which was signed in London on 10 June 1948.

(b) All other treaties, conventions and arrangements relating to safety of life at sea, or matters appertaining thereto, at present in force between

Governments parties to the present Convention, shall continue to have full and complete effect during the terms thereof as regards:

- (i) ships to which the present Convention does not apply;
- (ii) ships to which the present Convention applies, in respect of matters for which it has not expressly provided.

(c) To the extent, however, that such treaties, conventions or arrangements conflict with the provisions of the present Convention, the provisions of the present Convention shall prevail.

(d) All matters which are not expressly provided for in the present Convention remain subject to the legislation of the Contracting Governments.

Article VIII

Special Rules drawn up by Agreement

When in accordance with the present Convention special rules are drawn up by agreement between all or some of the Contracting Governments, such rules shall be communicated to the Organization for circulation to all Contracting Governments.

Article IX

Amendments

(a) (i) The present Convention may be amended by unanimous agreement between the Contracting Governments.

(ii) Upon the request of any Contracting Government a proposed amendment shall be communicated by the Organization to all Contracting Governments for consideration and acceptance under this paragraph.

(b) (i) An amendment to the present Convention may be proposed to the Organization at any time by any Contracting Government and such proposal, if adopted by a two-thirds majority of the Assembly of the Organization (hereinafter called the Assembly), upon recommendation adopted by a two-thirds majority of the Maritime Safety Committee of the Organization (hereinafter called the Maritime Safety Committee), shall be communicated by the Organization to all Contracting Governments for their acceptance.

(ii) Any such recommendation by the Maritime Safety Committee shall be communicated by the Organization to all Contracting Governments for their consideration at least six months before it is considered by the Assembly.

(c) (i) A conference of Governments to consider amendments to the present Convention proposed by any Contracting Government shall at any time be convened by the Organization upon the request of one-third of the Contracting Governments.

(ii) Every amendment adopted by such conference by a two-thirds majority of the Contracting Governments shall be communicated by the Organization to all Contracting Governments for their acceptance.

(d) Any amendment communicated to Contracting Governments for their acceptance under paragraph (b) or (c) of this Article shall come into force for all Contracting Governments, except those which before it comes into force make a declaration that they do not accept the amendment, twelve months after the date on which the amendment is accepted by two-thirds of the Contracting Governments including two-thirds of the Governments represented on the Maritime Safety Committee.

(e) The Assembly, by a two-thirds majority vote, including two-thirds of the Governments represented on the Maritime Safety Committee, and subject to the concurrence of two-thirds of the Contracting Governments to the present Convention, or a conference convened under paragraph (c) of this Article by a two-thirds majority vote, may determine at the time of its adoption that the amendment is of such an important nature that any Contracting Government which makes a declaration under paragraph (d) of this Article and which does not accept the amendment within a period of twelve months after the amendment comes into force, shall, upon the expiry of this period, cease to be a party to the present Convention.

(f) Any amendment to the present Convention made under this Article which relates to the structure of a ship shall apply only to ships the keels of which are laid after the date on which the amendment comes into force.

(g) The Organisation shall inform all Contracting Governments of any amendments which come into force under this Article, together with the date on which such amendments shall come into force.

(h) Any acceptance or declaration under this Article shall be made by a notification in writing to the Organisation, which shall notify all Contracting Governments of the receipt of the acceptance or declaration.

Article X

Signature and Acceptance

(a) The present Convention shall remain open for signature for one month from this day's date and shall thereafter remain open for acceptance. Governments of States may become parties to the Convention by:

- (i) signature without reservation as to acceptance;
- (ii) signature subject to acceptance followed by acceptance; or
- (iii) acceptance.

(b) Acceptance shall be effected by the deposit of an instrument with the Organisation, which shall inform all Governments that have already accepted the Convention of each acceptance received and of the date of its receipt.

Article XI*Coming into Force*

(a) The present Convention shall come into force twelve months after the date on which not less than fifteen acceptances, including seven by countries each with not less than one million gross tons of shipping, have been deposited in accordance with Article X. The Organization shall inform all Governments which have signed or accepted the present Convention of the date on which it comes into force.

(b) Acceptances deposited after the date on which the present Convention comes into force shall take effect three months after the date of their deposit.

Article XII*Denunciation*

(a) The present Convention may be denounced by any Contracting Government at any time after the expiry of five years from the date on which the Convention comes into force for that Government.

(b) Denunciation shall be effected by a notification in writing addressed to the Organization which shall notify all the other Contracting Governments of any denunciation received and of the date of its receipt.

(c) A denunciation shall take effect one year, or such longer period as may be specified in the notification, after its receipt by the Organization.

Article XIII*Territories*

(a) (i) The United Nations in cases where they are the administering authority for a territory or any Contracting Government responsible for the international relations of a territory shall as soon as possible consult with such territory in an endeavour to extend the present Convention to that territory and may at any time by notification in writing given to the Organization declare that the present Convention shall extend to such territory.

(ii) The present Convention shall from the date of the receipt of the notification or from such other date as may be specified in the notification extend to the territory named therein.

(b) (i) The United Nations or any Contracting Government which has made a declaration under paragraph (a) of this Article, at any time after the expiry of a period of five years from the date on which the Convention has been so extended to any territory, may by a notification in writing given to the Organization declare that the present Convention shall cease to extend to any such territory named in the notification.

(ii) The present Convention shall cease to extend to any territory mentioned in such notification one year, or such longer period as may be

specified therein, after the date of receipt of the notification by the Organization.

(c) The Organization shall inform all the Contracting Governments of the extension of the present Convention to any territories under paragraph (a) of this Article, and of the termination of any such extension under the provisions of paragraph (b), stating in each case the date from which the present Convention has been or will cease to be so extended.

Article XIV

Registration

(a) The present Convention shall be deposited in the archives of the Organization and the Secretary-General of the Organization shall transmit certified true copies thereof to all Signatory Governments and to all other Governments which accept the present Convention.

(b) As soon as the present Convention comes into force it shall be registered by the Organization with the Secretary-General of the United Nations.

CHAPTER I.—GENERAL PROVISIONS**PART A.—APPLICATION, DEFINITIONS, &c.****Regulation 1***Application*

(a) Unless expressly provided otherwise, the present Regulations apply only to ships engaged on international voyages.

(b) The classes of ships to which each Chapter applies are more precisely defined, and the extent of the application is shown, in each Chapter.

Regulation 2*Definitions*

For the purpose of the present Regulations, unless expressly provided otherwise:—

(a) “Regulations” means the Regulations referred to in Article I (a) of the present Convention.

(b) “Administration” means the Government of the country in which the ship is registered.

(c) “Approved” means approved by the Administration.

(d) “International voyage” means a voyage from a country to which the present Convention applies to a port outside such country, or conversely; and for this purpose every territory for the international relations of which a Contracting Government is responsible or for which the United Nations are the administering authority is regarded as a separate country.

(e) A passenger is every person other than:—

(i) the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship; and

(ii) a child under one year of age.

(f) A passenger ship is a ship which carries more than twelve passengers.

(g) A cargo ship is any ship which is not a passenger ship.

(h) A tanker is a cargo ship constructed or adapted for the carriage in bulk of liquid cargoes of an inflammable nature.

(i) A fishing vessel is a vessel used for catching fish, whales, seals, walrus or other living resources of the sea.

(j) A nuclear ship is a ship provided with a nuclear power plant.

- (k) "New ship" means a ship the keel of which is laid on or after the date of coming into force of the present Convention.
- (l) "Existing ship" means a ship which is not a new ship.
- (m) A mile is 6,080 feet or 1,852 metres.

Regulation 3

Exceptions

(a) The present Regulations, unless expressly provided otherwise, do not apply to:—

- (i) Ships of war and troopships.
- (ii) Cargo ships of less than 500 tons gross tonnage.
- (iii) Ships not propelled by mechanical means.
- (iv) Wooden ships of primitive build, such as dhows, junks, &c.
- (v) Pleasure yachts not engaged in trade.
- (vi) Fishing vessels.

(b) Except as expressly provided in Chapter V, nothing herein shall apply to ships solely navigating the Great Lakes of North America and the River St. Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd Meridian.

Regulation 4

Exemptions

A ship which is not normally engaged on international voyages but which, in exceptional circumstances, is required to undertake a single international voyage may be exempted by the Administration from any of the requirements of the present Regulations provided that it complies with safety requirements which are adequate in the opinion of the Administration for the voyage which is to be undertaken by the ship.

Regulation 5

Equivalents

(a) Where the present Regulations require that a particular fitting, material, appliance or apparatus, or type thereof, shall be fitted or carried in a ship, or that any particular provision shall be made, the Administration may allow any other fitting, material, appliance or apparatus, or type thereof, to be fitted or carried, or any other provision to be made in that ship, if it is satisfied by trial thereof or otherwise that such fitting, material, appliance

or apparatus, or type thereof, or provision, is at least as effective as that required by the present Regulations.

(b) Any Administration which so allows, in substitution, a fitting, material, appliance or apparatus, or type thereof, or provision, shall communicate to the Organization particulars thereof together with a report on any trials made and the Organization shall circulate such particulars to other Contracting Governments for the information of their officers.

PART B.—SURVEYS AND CERTIFICATES

Regulation 6

Inspection and Survey

The inspection and survey of ships, so far as regards the enforcement of the provisions of the present Regulations and the granting of exemptions therefrom, shall be carried out by officers of the country in which the ship is registered, provided that the Government of each country may entrust the inspection and survey either to surveyors nominated for the purpose or to organizations recognised by it. In every case the Government concerned fully guarantees the completeness and efficiency of the inspection and survey.

Regulation 7

Initial and Subsequent Surveys of Passenger Ships

(a) A passenger ship shall be subjected to the surveys specified below:

- (i) A survey before the ship is put in service.
- (ii) A periodical survey once every twelve months.
- (iii) Additional surveys, as occasion arises.

(b) The surveys referred to above shall be carried out as follows:

- (i) *The survey before the ship is put in service* shall include a complete inspection of its structure, machinery and equipments, including the outside of the ship's bottom and the inside and outside of the boilers. This survey shall be such as to ensure that the arrangements, material, and scantlings of the structure, boilers and other pressure vessels and their appurtenances, main and auxiliary machinery, electrical installation, radio installation, radiotelegraph installations in motor lifeboats, portable radio apparatus for survival craft, life-saving appliances, fire detecting and extinguishing appliances, pilot ladders and other equipments, fully comply with the requirements of the present Convention, and of the laws, decrees, orders and regulations promulgated as a result thereof by the Administration for ships of the service for which it is intended. The survey shall also be such as to ensure that the workmanship

of all parts of the ship and its equipments is in all respects satisfactory, and that the ship is provided with the lights, means of making sound signals and distress signals as required by the provisions of the present Convention and the International Collision Regulations.

- (ii) *The periodical survey* shall include an inspection of the structure, boilers and other pressure vessels, machinery and equipments, including the outside of the ship's bottom. The survey shall be such as to ensure that the ship, as regards the structure, boilers and other pressure vessels and their appurtenances, main and auxiliary machinery, electrical installation, radio installation, radio-telegraph installations in motor lifeboats, portable radio apparatus for survival craft, life-saving appliances, fire detecting and extinguishing appliances, pilot ladders and other equipments, is in satisfactory condition and fit for the service for which it is intended, and that it complies with the requirements of the present Convention, and of the laws, decrees, orders and regulations promulgated as a result thereof by the Administration. The lights and means of making sound signals and the distress signals carried by the ship shall also be subject to the above-mentioned survey for the purpose of ensuring that they comply with the requirements of the present Convention and of the International Collision Regulations.

- (iii) *A survey either general or partial*, according to the circumstances, shall be made every time an accident occurs or a defect is discovered which affects the safety of the ship or the efficiency or completeness of its life-saving appliances or other equipments, or whenever any important repairs or renewals are made. The survey shall be such as to ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship of such repairs or renewals are in all respects satisfactory, and that the ship complies in all respects with the provisions of the present Convention and of the International Collision Regulations, and of the laws, decrees, orders and regulations promulgated as a result thereof by the Administration.

(c) (i) The laws, decrees, orders and regulations referred to in paragraph (b) of this Regulation shall be in all respects such as to ensure that, from the point of view of safety of life, the ship is fit for the service for which it is intended.

(ii) They shall among other things prescribe the requirements to be observe as to the initial and subsequent hydraulic or other acceptable alternative tests to which the main and auxiliary boilers, connections, steam pipes, high pressure receivers, and fuel tanks for internal combustion engines

are to be submitted, including the test procedures to be followed and the intervals between two consecutive tests.

Regulation 8

Surveys of Life-Saving Appliances and other Equipments of Cargo Ships

The life-saving appliances, except a radiotelegraph installation in a motor lifeboat or a portable radio apparatus for survival craft, and the fire extinguishing appliances of cargo ships to which Chapters II and III of the present Regulations apply shall be subject to initial and subsequent surveys as provided for passenger ships in Regulation 7 of this Chapter with the substitution of 24 months for 12 months in sub-paragraph (a) (ii) of that Regulation. The fire control plans in new ships and the pilot ladders, lights and means of making sound signals carried by new and existing ships shall be included in the surveys for the purpose of ensuring that they comply fully with the requirements of the present Convention and, where applicable, the International Collision Regulations.

Regulation 9

Surveys of Radio Installations of Cargo Ships

The radio installations of cargo ships to which Chapter IV of the present Regulations applies and any radiotelegraph installation in a motor lifeboat or portable radio apparatus for survival craft which is carried in compliance with the requirements of Chapter III of the present Regulations shall be subject to initial and subsequent surveys as provided for passenger ships in Regulation 7 of this Chapter.

Regulation 10

Survey of Hull, Machinery and Equipment of Cargo Ships

The hull, machinery and equipment (other than items in respect of which Cargo Ship Safety Equipment Certificates, Cargo Ship Safety Radiotelegraphy Certificates or Cargo Ship Safety Radiotelephony Certificates are issued) of a cargo ship shall be surveyed on completion and thereafter in such manner and at such intervals as the Administration may consider necessary in order to ensure that their condition is in all respects satisfactory. The survey shall be such as to ensure that the arrangements, material, and scantlings of the structure, boilers and other pressure vessels and their appurtenances, main and auxiliary machinery, electrical installations and other equipments are in all respects satisfactory for the service for which the ship is intended.

Regulation 11*Maintenance of Conditions after Survey*

After any survey of the ship under Regulations 7, 8, 9 or 10 has been completed, no change shall be made in the structural arrangements, machinery, equipments, &c. covered by the survey, without the sanction of the Administration.

Regulation 12*Issue of Certificates*

- (a) (i) A certificate called a Passenger Ship Safety Certificate shall be issued after inspection and survey to a passenger ship which complies with the requirements of Chapters II, III and IV and any other relevant requirements of the present Regulations.
- (ii) A certificate called a Cargo Ship Safety Construction Certificate shall be issued after survey to a cargo ship which satisfies the requirements for cargo ships on survey set out in Regulation 10 of this Chapter and complies with the applicable requirements of Chapter II, other than those relating to fire extinguishing appliances and fire control plans.
- (iii) A certificate called a Cargo Ship Safety Equipment Certificate shall be issued after inspection to a cargo ship which complies with the relevant requirements of Chapters II and III and any other relevant requirements of the present Regulations.
- (iv) A certificate called a Cargo Ship Safety Radiotelegraphy Certificate shall be issued after inspection to a cargo ship, fitted with a radiotelegraph installation, which complies with the requirements of Chapter IV and any other relevant requirements of the present Regulations.
- (v) A certificate called a Cargo Ship Safety Radiotelephony Certificate shall be issued after inspection to a cargo ship, fitted with a radiotelephone installation, which complies with the requirements of Chapter IV and any other relevant requirements of the present Regulations.
- (vi) When an exemption is granted to a ship under and in accordance with the provisions of the present Regulations, a certificate called an Exemption Certificate shall be issued in addition to the certificates prescribed in this paragraph.
- (vii) Passenger Ship Safety Certificates, Cargo Ship Safety Construction Certificates, Cargo Ship Safety Equipment Certificates, Cargo Ship Safety Radiotelegraphy Certificates, Cargo Ship Safety Radiotelephony Certificates and Exemption Certificates shall be issued either by the Administration or by any person or organization duly

authorised by it. In every case, that Administration assumes full responsibility for the Certificate.

(b) Notwithstanding any other provision of the present Convention any certificate issued under, and in accordance with, the provisions of the International Convention for the Safety of Life at Sea, 1948, which is current when the present Convention comes into force in respect of the Administration by which the certificate is issued, shall remain valid until it expires under the terms of Regulation 13 of Chapter I of that Convention.

(c) A Contracting Government shall not issue Certificates under, and in accordance with, the provisions of the International Convention for the Safety of Life at Sea, 1948 or 1929, after the date on which acceptance of the present Convention by the Government takes effect.

Regulation 13

Issue of Certificate by another Government

A Contracting Government may, at the request of the Administration, cause a ship to be surveyed and, if satisfied that the requirements of the present Regulations are complied with, shall issue certificates to the ship in accordance with the present Regulations. Any certificate so issued must contain a statement to the effect that it has been issued at the request of the Government of the country in which the ship is or will be registered, and it shall have the same force and receive the same recognition as a certificate issued under Regulation 12 of this Chapter.

Regulation 14

Duration of Certificates

(a) Certificates other than Cargo Ship Safety Construction Certificates, Cargo Ship Safety Equipment Certificates and Exemption Certificates shall be issued for a period of not more than 12 months. Cargo Ship Safety Equipment Certificates shall be issued for a period of not more than 24 months. Exemption Certificates shall not be valid for longer than the period of the certificates to which they refer.

(b) If a survey takes place within two months before the end of the period for which a Cargo Ship Safety Radiotelegraphy Certificate or a Cargo Ship Safety Radiotelephony Certificate issued in respect of cargo ships of 300 tons gross tonnage and upwards, but less than 500 tons gross tonnage, was originally issued, that certificate may be withdrawn, and a new certificate may be issued which shall expire 12 months after the end of the said period.

(c) If a ship at the time when its certificate expires is not in a port of the country in which it is registered, the certificate may be extended by the Administration, but such extension shall be granted only for the purpose of allowing the ship to complete its voyage to the country in which it is registered or is to be surveyed, and then only in cases where it appears proper and reasonable so to do.

(d) No certificate shall be thus extended for a longer period than five months, and a ship to which such extension is granted shall not, on its arrival in the country in which it is registered or the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port or country without having obtained a new certificate.

(e) A certificate which has not been extended under the foregoing provisions of this Regulation may be extended by the Administration for a period of grace of up to one month from the date of expiry stated on it.

Regulation 15

Form of Certificates

(a) All certificates shall be drawn up in the official language or languages of the country by which they are issued.

(b) The form of the certificates shall be that of the models given in the Appendix to the present Regulations. The arrangement of the printed part of the model certificates shall be exactly reproduced in the certificates issued, or in certified copies thereof, and the particulars inserted in the certificates issued, or in certified copies thereof, shall be in Roman characters and Arabic figures.

Regulation 16

Posting up of Certificates

All certificates or certified copies thereof issued under the present Regulations shall be posted up in a prominent and accessible place in the ship.

Regulation 17

Acceptance of Certificates

Certificates issued under the authority of a Contracting Government shall be accepted by the other Contracting Governments for all purposes covered by the present Convention. They shall be regarded by the other Contracting Governments as having the same force as certificates issued by them.

Regulation 18

Qualification of Certificates

(a) If in the course of a particular voyage a ship has on board a number of persons less than the total number stated in the Passenger Ship Safety Certificate and is in consequence, in accordance with the provisions of the present Regulations, free to carry a smaller number of lifeboats and other

life-saving appliances than that stated in the Certificate, an annex may be issued by the Government, person, or organization referred to in Regulation 12 or 13.

(b) This annex shall state that in the circumstances there is no infringement of the provisions of the present Regulations. It shall be annexed to the Certificate and shall be substituted for it in so far as the life-saving appliances are concerned. It shall be valid only for the particular voyage for which it is issued.

Regulation 19

Control

Every ship holding a certificate issued under Regulation 12 or Regulation 13 is subject in the ports of the other Contracting Governments to control by officers duly authorised by such Governments in so far as this control is directed towards verifying that there is on board a valid certificate. Such certificate shall be accepted unless there are clear grounds for believing that the condition of the ship or of its equipment does not correspond substantially with the particulars of that certificate. In that case, the officer carrying out the control shall take such steps as will ensure that the ship shall not sail until it can proceed to sea without danger to the passengers or the crew. In the event of this control giving rise to intervention of any kind, the officer carrying out the control shall inform the Consul of the country in which the ship is registered in writing forthwith of all the circumstances in which intervention was deemed to be necessary, and the facts shall be reported to the Organization.

Regulation 20

Privileges

The privileges of the present Convention may not be claimed in favour of any ship unless it holds appropriate valid certificates.

PART C.—CASUALTIES

Regulation 21

Casualties

(a) Each Administration undertakes to conduct an investigation of any casualty occurring to any of its ships subject to the provisions of the present Convention when it judges that such an investigation may assist in determining what changes in the present Regulations might be desirable.

(b) Each Contracting Government undertakes to supply the Organization with pertinent information concerning the findings of such investigations. No reports or recommendations of the Organization based upon such information shall disclose the identity or nationality of the ships concerned or in any manner fix or imply responsibility upon any ship or person.

CHAPTER II.—CONSTRUCTION**PART A.—GENERAL****Regulation 1***Application*

(a) (i) Unless expressly provided otherwise, this Chapter applies to new ships.

(ii) In the case of existing passenger ships and cargo ships the keels of which were laid on or after the date of coming into force of the International Convention for the Safety of Life at Sea, 1948, the Administration shall ensure that the requirements which were applied under Chapter II of that Convention to new ships as defined in that Chapter are complied with. In the case of existing passenger ships and cargo ships the keels of which were laid before the date of coming into force of that Convention, the Administration shall ensure that the requirements which were applied under Chapter II of that Convention to existing ships as defined in that Chapter are complied with. As regards those requirements of Chapter II of the present Convention which are not contained in Chapter II of the 1948 Convention the Administration shall decide which of these requirements shall be applied to existing ships as defined in the present Convention.

(b) For the purpose of this Chapter :—

(i) A new passenger ship is a passenger ship the keel of which is laid on or after the date of coming into force of the present Convention, or a cargo ship which is converted to a passenger ship on or after that date, all other passenger ships being described as existing passenger ships.

(ii) A new cargo ship is a cargo ship the keel of which is laid on or after the date of coming into force of the present Convention.

(c) The Administration may, if it considers that the sheltered nature and conditions of the voyage are such as to render the application of any specific requirements of this Chapter unreasonable or unnecessary, exempt from those requirements individual ships or classes of ships belonging to its country which, in the course of their voyage, do not proceed more than 20 miles from the nearest land.

(d) In the case of a passenger ship which is permitted under paragraph (c) of Regulation 27 of Chapter III to carry a number of persons on board in excess of the lifeboat capacity provided, it shall comply with the special standards of subdivision set out in paragraph (e) of Regulation 5 of this Chapter, and the associated special provisions regarding permeability in paragraph (d) of Regulation 4 of this Chapter, unless the Administration is satisfied that, having regard to the nature and conditions of the voyage, compliance with the other provisions of the Regulations of this Chapter is sufficient.

(e) In the case of passenger ships which are employed in the carriage of large numbers of unberthed passengers in special trades, such, for example, as the pilgrim trade, the Administration, if satisfied that it is impracticable to enforce compliance with the requirements of this Chapter, may exempt such ships, when they belong to its country, from those requirements on the following conditions:—

- (i) That the fullest provision which the circumstances of the trade will permit shall be made in the matter of construction.
- (ii) That steps shall be taken to formulate general rules which shall be applicable to the particular circumstances of these trades. Such rules shall be formulated in concert with such other Contracting Governments, if any, as may be directly interested in the carriage of such passengers in such trades.

Notwithstanding any provisions of the present Convention, the Simla Rules, 1931, shall continue in force as between the parties to those Rules until the rules formulated under sub-paragraph (e) (ii) of this Regulation shall come into force.

Regulation 2

Definitions

For the purpose of this Chapter, unless expressly provided otherwise:—

- (a) (i) A *subdivision loadline* is a waterline used in determining the subdivision of the ship.
- (ii) The *deepest subdivision loadline* is the waterline which corresponds to the greatest draught permitted by the subdivision requirements which are applicable.
- (b) The *length of the ship* is the length measured between perpendiculars taken at the extremities of the deepest subdivision loadline.
- (c) The *breadth of the ship* is the extreme width from outside of frame to outside of frame at or below the deepest subdivision loadline.
- (d) The *draught* is the vertical distance from the moulded base line amidships to the subdivision loadline in question.
- (e) The *bulkhead deck* is the uppermost deck up to which the transverse watertight bulkheads are carried.
- (f) The *margin line* is a line drawn at least 3 inches (or 76 millimetres) below the upper surface of the bulkhead deck at side.
- (g) The *permeability* of a space is the percentage of that space which can be occupied by water.

The volume of a space which extends above the margin line shall be measured only to the height of that line.

- (h) The *machinery space* is to be taken as extending from the moulded base line to the margin line and between the extreme main transverse watertight bulkheads bounding the spaces containing the main and auxiliary propelling machinery, boilers serving the needs of propulsion, and all permanent coal bunkers.

In the case of unusual arrangements, the Administration may define the limits of the machinery spaces.

- (i) *Passenger spaces* are those which are provided for the accommodation and use of passengers, excluding baggage, store, provision and mail rooms.

For the purposes of Regulations 4 and 5 of this Chapter, spaces provided below the margin line for the accommodation and use of the crew shall be regarded as passenger spaces.

- (j) In all cases *volumes* and *areas* shall be calculated to moulded lines.

PART B.—SUBDIVISION AND STABILITY

(Part B applies to passenger ships only, except that Regulation 19 also applies to cargo ships.)

Regulation 3

Floodable Length

(a) The floodable length at any point of the length of a ship shall be determined by a method of calculation which takes into consideration the form, draught and other characteristics of the ship in question.

(b) In a ship with a continuous bulkhead deck, the floodable length at a given point is the maximum portion of the length of the ship, having its centre at the point in question, which can be flooded under the definite assumptions set forth in Regulation 4 of this Chapter without the ship being submerged beyond the margin line.

(c) (i) In the case of a ship not having a continuous bulkhead deck, the floodable length at any point may be determined to an assumed continuous margin line which at no point is less than 3 inches (or 76 millimetres) below the top of the deck (at side) to which the bulkheads concerned and the shell are carried watertight.

(ii) Where a portion of an assumed margin line is appreciably below the deck to which bulkheads are carried, the Administration may permit a limited relaxation in the watertightness of those portions of the bulkheads which are above the margin line and immediately under the higher deck.

Regulation 4*Permeability*

(a) The definite assumptions referred to in Regulation 3 of this Chapter relate to the permeabilities of the spaces below the margin line.

In determining the floodable length, a uniform average permeability shall be used throughout the whole length of each of the following portions of the ship below the margin line:—

(i) the machinery space as defined in Regulation 2 of this Chapter;

(ii) the portion forward of the machinery space; and

(iii) the portion abaft the machinery space.

(b) (i) The uniform average permeability throughout the machinery space shall be determined from the formula—

$$85 + 10 \left(\frac{a-c}{v} \right)$$

where:—

a=volume of the passenger spaces, as defined in Regulation 2 of this Chapter, which are situated below the margin line within the limits of the machinery space.

c=volume of between deck spaces below the margin line within the limits of the machinery space which are appropriated to cargo, coal or stores.

v=whole volume of the machinery space below the margin line.

(ii) Where it is shown to the satisfaction of the Administration that the average permeability as determined by detailed calculation is less than that given by the formula, the detailed calculated value may be used. For the purpose of such calculation, the permeabilities of passenger spaces, as defined in Regulation 2 of this Chapter, shall be taken as 95, that of all cargo, coal and store spaces as 60, and that of double bottom, oil fuel and other tanks at such values as may be approved in each case.

(c) Except as provided in paragraph (d) of this Regulation, the uniform average permeability throughout the portion of the ship before (or abaft) the machinery space shall be determined from the formula—

$$63 + 35 \frac{a}{v}$$

where:

a=volume of the passenger spaces, as defined in Regulation 2 of this Chapter, which are situated below the margin line, before (or abaft) the machinery space, and

v =whole volume of the portion of the ship below the margin line before (or abaft) the machinery space.

(d) In the case of a ship which is permitted under paragraph (c) of Regulation 27 of Chapter III to carry a number of persons on board in excess of the lifeboat capacity provided, and is required under paragraph (d) of Regulation 1 of this Chapter to comply with special provisions, the uniform average permeability throughout the portion of the ship before (or abaft) the machinery space shall be determined from the formula—

$$95 - 35 \frac{b}{v}$$

where:

b =the volume of the spaces below the margin line and above the tops of floors, inner bottom, or peak tanks, as the case may be, which are appropriated to and used as cargo spaces, coal or oil fuel bunkers, store rooms, baggage and mail rooms, chain lockers and fresh water tanks, before (or abaft) the machinery space; and

v =whole volume of the portion of the ship below the margin line before (or abaft) the machinery space.

In the case of ships engaged on services where the cargo holds are not generally occupied by any substantial quantities of cargo, no part of the cargo spaces is to be included in calculating “ b ”.

(e) In the case of unusual arrangements the Administration may allow, or require, a detailed calculation of average permeability for the portions before or abaft the machinery space. For the purpose of such calculation, the permeability of passenger spaces as defined in Regulation 2 of this Chapter shall be taken as 95, that of spaces containing machinery as 85, that of all cargo, coal and store spaces as 60, and that of double bottom, oil fuel and other tanks at such value as may be approved in each case.

(f) Where a between deck compartment between two watertight transverse bulkheads contains any passenger or crew space, the whole of that compartment, less any space completely enclosed within permanent steel bulkheads and appropriated to other purposes, shall be regarded as passenger space. Where, however, the passenger or crew space in question is completely enclosed within permanent steel bulkheads, only the space so enclosed need be considered as passenger space.

Regulation 5*Permissible Length of Compartments*

(a) Ships shall be as efficiently subdivided as is possible having regard to the nature of the service for which they are intended. The degree of subdivision shall vary with the length of the ship and with the service, in such manner that the highest degree of subdivision corresponds with the ships of greatest length, primarily engaged in the carriage of passengers.

(b) *Factor of Subdivision.*—The maximum permissible length of a compartment having its centre at any point in the ship's length is obtained from the floodable length by multiplying the latter by an appropriate factor called the *factor of subdivision*.

The factor of subdivision shall depend on the length of the ship, and for a given length shall vary according to the nature of the service for which the ship is intended. It shall decrease in a regular and continuous manner—

(i) as the length of the ship increases, and

(ii) from a factor A, applicable to ships primarily engaged in the carriage of cargo, to a factor B, applicable to ships primarily engaged in the carriage of passengers.

The variations of the factors A and B shall be expressed by the following formulae (I) and (II) where L is the length of the ship as defined in Regulation 2 of this Chapter:

L in feet

$$A = \frac{190}{L-198} + .18 \quad (L=430 \text{ and upwards})$$

L in metres

$$A = \frac{58.2}{L-60} + .18 \quad (L=131 \text{ and upwards}) \dots \dots \dots \text{(I)}$$

L in feet

$$B = \frac{100}{L-138} + .18 \quad (L=260 \text{ and upwards})$$

L in metres

$$B = \frac{30.3}{L-42} + .18 \quad (L=79 \text{ and upwards}) \dots \dots \dots \text{(II)}$$

(c) *Criterion of Service.*—For a ship of given length the appropriate factor of subdivision shall be determined by the Criterion of Service Numeral (hereinafter called the Criterion Numeral) as given by the following formulae (III) and (IV) where:—

C_s = the Criterion Numeral;

L = length of the ship, as defined in Regulation 2 of this Chapter;

M = the volume of the machinery space, as defined in Regulation 2 of this Chapter; with the addition thereto of the volume of any permanent oil fuel bunkers which may be situated above the inner bottom and before or abaft the machinery space;

P = the whole volume of the passenger spaces below the margin line, as defined in Regulation 2 of this Chapter;

V = the whole volume of the ship below the margin line;

$P_1 = KN$ where:—

N = number of passengers for which the ship is to be certified, and

K has the following values:—

	Value of K
Length in feet and volumes in cubic feet	·6L
Length in metres and volumes in cubic metres	·056L

Where the value of KN is greater than the sum of P and the whole volume of the actual passenger spaces above the margin line, the figure to be taken as P_1 is that sum or $\frac{2}{3} KN$, whichever is the greater.

When P_1 is greater than P —

$$C_s = 72 \frac{M + 2P_1}{V + P_1 - P} \dots \dots \dots \text{(III)}$$

and in other cases—

$$C_s = 72 \frac{M + 2P}{V} \dots \dots \dots \text{(IV)}$$

For ships not having a continuous bulkhead deck the volumes are to be taken up to the actual margin lines used in determining the floodable lengths.

(d) *Rules for Subdivision of Ships other than those covered by paragraph (e) of this Regulation*

(i) *The subdivision abaft the forepeak* of ships 430 feet (or 131 metres) in length and upwards having a criterion numeral of 23 or less shall be governed by the factor A given by formula (I); of those having a criterion numeral of 123 or more by the factor B given by formula (II); and of those having a criterion numeral between 23 and 123 by the factor F obtained by linear interpolation between the factors A and B , using the formula:—

$$F = A - \frac{(A - B)(C - 23)}{100} \dots \dots \dots \text{(V)}$$

Nevertheless, where the criterion numeral is equal to 45 or more and simultaneously the computed factor of subdivision as given by formula (V) is ·65 or less, but more than ·50, the subdivision abaft the forepeak shall be governed by the factor ·50.

Where the factor F is less than $\cdot 40$ and it is shown to the satisfaction of the Administration to be impracticable to comply with the factor F in a machinery compartment of the ship, the subdivision of such compartment may be governed by an increased factor, which, however, shall not exceed $\cdot 40$.

(ii) *The subdivision abaft the forepeak* of ships less than 430 feet (or 131 metres) but not less than 260 feet (or 79 metres) in length having a criterion numeral equal to S , where—

$$S = \frac{9,382 - 20L}{34} \text{ (L in feet)} = \frac{3,574 - 25L}{13} \text{ (L in metres)}$$

shall be governed by the factor unity; of those having a criterion numeral of 123 or more by the factor B given by the formula (II); of those having a criterion numeral between S and 123 by the factor F obtained by linear interpolation between unity and the factor B using the formula:—

$$F = 1 - \frac{(1-B)(C-S)}{123-S} \dots\dots\dots (VI)$$

(iii) *The subdivision abaft the forepeak* of ships less than 430 feet (or 131 metres) but not less than 260 feet (or 79 metres) in length and having a criterion numeral less than S , and of all ships less than 260 feet (or 79 metres) in length shall be governed by the factor unity, unless, in either case, it is shown to the satisfaction of the Administration to be impracticable to comply with this factor in any part of the ship, in which case the Administration may allow such relaxation as may appear to be justified, having regard to all the circumstances.

(iv) The provisions of sub-paragraph (iii) of this paragraph shall apply also to ships of whatever length, which are to be certified to carry a number of passengers exceeding 12 but not exceeding—

$$\frac{L^2 \text{ (in feet)}}{7,000} = \frac{L^2 \text{ (in metres)}}{650} \quad \text{or } 50, \text{ whichever is the less.}$$

(e) *Special Standards of Subdivision for Ships which are permitted under paragraph (c) of Regulation 27 of Chapter III to carry a number of persons on board in excess of the lifeboat capacity provided and are required under paragraph (d) of Regulation 1 of this Chapter to comply with special provisions.*

(i) (1) In the case of ships primarily engaged in the carriage of passengers, the subdivision abaft the forepeak shall be governed by a factor of $\cdot 50$ or by the factor determined according to paragraphs (c) and (d) of this Regulation, if less than $\cdot 50$.

(2) In the case of such ships less than 300 feet (or 91·5 metres) in length, if the Administration is satisfied that compliance with such factor would be impracticable in a compartment, it may allow the length of that

compartment to be governed by a higher factor provided the factor used is the lowest that is practicable and reasonable in the circumstances.

(ii) Where, in the case of any ship whether less than 300 feet (or 91·5 metres) or not, the necessity of carrying appreciable quantities of cargo makes it impracticable to require the subdivision abaft the forepeak to be governed by a factor not exceeding ·50, the standard of subdivision to be applied shall be determined in accordance with the following sub-paragraphs (1) to (5), subject to the condition that where the Administration is satisfied that insistence on strict compliance in any respect would be unreasonable, it may allow such alternative arrangement of the watertight bulkheads as appears to be justified on merits and will not diminish the general effectiveness of the subdivision.

- (1) The provisions of paragraph (c) of this Regulation relating to the criterion numeral shall apply with the exception that in calculating the value of P_1 for berthed passengers K is to have the value defined in paragraph (c) of this Regulation or 125 cubic feet (or 3·55 cubic metres), whichever is the greater, and for unberthed passengers K is to have the value 125 cubic feet (or 3·55 cubic metres).
- (2) The factor B in paragraph (b) of this Regulation shall be replaced by the factor BB determined by the following formula:—

L in feet

$$BB = \frac{57 \cdot 6}{L - 108} + \cdot 20 \quad (L = 180 \text{ and upwards})$$

L in metres

$$BB = \frac{17 \cdot 6}{L - 33} + \cdot 20 \quad (L = 55 \text{ and upwards})$$

- (3) *The subdivision abaft the forepeak* of ships 430 feet (or 131 metres) in length and upwards having a criterion numeral of 23 or less shall be governed by the factor A given by formula (I) in paragraph (b) of this Regulation; of those having a criterion numeral of 123 or more by the factor BB given by the formula in sub-paragraph (ii) (2) of this paragraph; and of those having a criterion numeral between 23 and 123 by the factor F obtained by linear interpolation between the factors A and BB , using the formula:—

$$F = A - \frac{(A - BB)(C_s - 23)}{100}$$

except that if the factor F so obtained is less than ·50 the factor to be used shall be either ·50 or the factor calculated according to the provisions of paragraph (d) (i) of this Regulation, whichever is the smaller.

- (4) *The subdivision abaft the forepeak* of ships less than 430 feet (or 131 metres) but not less than 180 feet (or 55 metres) in length having a criterion numeral equal to S_1 where—

$$S_1 = \frac{1,950 - 4L}{10} \quad (L \text{ in feet})$$

$$S_1 = \frac{3,712 - 25L}{19} \quad (L \text{ in metres})$$

shall be governed by the factor unity; of those having a criterion numeral of 123 or more by the factor BB given by the formula in sub-paragraph (ii) (2) of this paragraph; of those having a criterion numeral between S_1 and 123 by the factor F obtained by linear interpolation between unity and the factor BB using the formula:—

$$F = 1 - \frac{(1 - BB)(C_s - S_1)}{123 - S_1}$$

except that in either of the two latter cases if the factor so obtained is less than .50 the subdivision may be governed by a factor not exceeding .50.

- (5) *The subdivision abaft the forepeak* of ships less than 430 feet (or 131 metres) but not less than 180 feet (or 55 metres) in length and having a criterion numeral less than S_1 and of all ships less than 180 feet (or 55 metres) in length shall be governed by the factor unity, unless it is shown to the satisfaction of the Administration to be impracticable to comply with this factor in particular compartments, in which event the Administration may allow such relaxations in respect of those compartments as appear to be justified, having regard to all the circumstances, provided that the aftermost compartment and as many as possible of the forward compartments (between the forepeak and the after end of the machinery space) shall be kept within the floodable length.

Regulation 6

Special Rules concerning Subdivision

(a) Where in a portion or portions of a ship the watertight bulkheads are carried to a higher deck than in the remainder of the ship and it is desired to take advantage of this higher extension of the bulkheads in calculating the floodable length, separate margin lines may be used for each such portion of the ship provided that—

- (i) the sides of the ship are extended throughout the ship's length to the deck corresponding to the upper margin line and all openings in the shell plating below this deck throughout the length of the ship are treated as being below a margin line, for the purposes of Regulation 14 of this Chapter; and

- (ii) the two compartments adjacent to the "step" in the bulkhead deck are each within the permissible length corresponding to their respective margin lines, and, in addition, their combined length does not exceed twice the permissible length based on the lower margin line.

(b) (i) A compartment may exceed the permissible length determined by the rules of Regulation 5 of this Chapter provided the combined length of each pair of adjacent compartments to which the compartment in question is common does not exceed either the floodable length or twice the permissible length, whichever is the less.

(ii) If one of the two adjacent compartments is situated inside the machinery space, and the second is situated outside the machinery space, and the average permeability of the portion of the ship in which the second is situated differs from that of the machinery space, the combined length of the two compartments shall be adjusted to the mean average permeability of the two portions of the ship in which the compartments are situated.

(iii) Where the two adjacent compartments have different factors of subdivision, the combined length of the two compartments shall be determined proportionately.

(c) In ships 330 feet (or 100 metres) in length and upwards, one of the main transverse bulkheads abaft the forepeak shall be fitted at a distance from forward perpendicular which is not greater than the permissible length.

(d) A main transverse bulkhead may be recessed provided that all parts of the recess lie inboard of vertical surfaces on both sides of the ship, situated at a distance from the shell plating equal to one-fifth the breadth of the ship, as defined in Regulation 2 of this Chapter, and measured at right angles to the centre line at the level of the deepest subdivision loadline.

Any part of a recess which lies outside these limits shall be dealt with as a step in accordance with paragraph (e) of this Regulation.

(e) A main transverse bulkhead may be stepped provided that it meets one of the following conditions:—

- (i) the combined length of the two compartments, separated by the bulkhead in question, does not exceed either 90 per cent. of the floodable length or twice the permissible length, except that in ships having a factor of subdivision greater than .9, the combined length of the two compartments in question shall not exceed the permissible length;
- (ii) additional subdivision is provided in way of the step to maintain the same measure of safety as that secured by a plane bulkhead;
- (iii) the compartment over which the step extends does not exceed the permissible length corresponding to a margin line taken 3 inches (or 76 millimetres) below the step.

(f) Where a main transverse bulkhead is recessed or stepped, an equivalent plane bulkhead shall be used in determining the subdivision.

(g) If the distance between two adjacent main transverse bulkheads, or their equivalent plane bulkheads, or the distance between the transverse planes passing through the nearest stepped portions of the bulkheads, is less than 10 feet (or 3·05 metres) plus 3 per cent. of the length of the ship, or 35 feet (or 10·67 metres) whichever is the less, only one of these bulkheads shall be regarded as forming part of the subdivision of the ship in accordance with the provisions of Regulation 5 of this Chapter.

(h) Where a main transverse watertight compartment contains local subdivision and it can be shown to the satisfaction of the Administration that, after any assumed side damage extending over a length of 10 feet (or 3·05 metres) plus 3 per cent. of the length of the ship, or 35 feet (or 10·67 metres) whichever is the less, the whole volume of the main compartment will not be flooded, a proportionate allowance may be made in the permissible length otherwise required for such compartment. In such a case the volume of effective buoyancy assumed on the undamaged side shall not be greater than that assumed on the damaged side.

(i) Where the required factor of subdivision is $\cdot 50$ or less, the combined length of any two adjacent compartments shall not exceed the floodable length.

Regulation 7

Stability of Ships in Damaged Condition

(a) Sufficient intact stability shall be provided in all service conditions so as to enable the ship to withstand the final stage of flooding of any one main compartment which is required to be within the floodable length.

Where two adjacent main compartments are separated by a bulkhead which is stepped under the conditions of sub-paragraph (e) (i) of Regulation 6 of this Chapter the intact stability shall be adequate to withstand the flooding of those two adjacent main compartments.

Where the required factor of subdivision is $\cdot 50$ or less but more than $\cdot 33$ intact stability shall be adequate to withstand the flooding of any two adjacent main compartments.

Where the required factor of subdivision is $\cdot 33$ or less the intact stability shall be adequate to withstand the flooding of any three adjacent main compartments.

(b) (i) The requirements of paragraph (a) of this Regulation shall be determined by calculations which are in accordance with paragraphs (c), (d) and (f) of this Regulation and which take into consideration the proportions and

design characteristics of the ship and the arrangement and configuration of the damaged compartments. In making these calculations the ship is to be assumed in the worst anticipated service condition as regards stability.

(ii) Where it is proposed to fit decks, inner skins or longitudinal bulkheads of sufficient tightness to seriously restrict the flow of water, the Administration shall be satisfied that proper consideration is given to such restrictions in the calculations.

(iii) In cases where the Administration considers the range of stability in the damaged condition to be doubtful, it may require investigation thereof.

(c) For the purpose of making damage stability calculations the volume and surface permeabilities shall be in general as follows:

<i>Spaces</i>					<i>Permeability</i>
Appropriated to Cargo, Coal or Stores	60
Occupied by Accommodation	95
Occupied by Machinery	85
Intended for Liquids	0 or 95*

*Whichever results in the more severe requirements.

Higher surface permeabilities are to be assumed in respect of spaces which, in the vicinity of the damage waterplane, contain no substantial quantity of accommodation or machinery and spaces which are not generally occupied by any substantial quantity of cargo or stores.

(d) Assumed extent of damage shall be as follows:—

(i) *longitudinal extent*: 10 feet (or 3·05 metres) plus 3 per cent. of the length of the ship, or 35 feet (or 10·67 metres) whichever is the less. Where the required factor of subdivision is ·33 or less the assumed longitudinal extent of damage shall be increased as necessary so as to include any two consecutive main transverse watertight bulkheads;

(ii) *transverse extent* (measured inboard from the ship's side, at right angles to the centre line at the level of the deepest subdivision load line): a distance of one-fifth of the breadth of the ship, as defined in Regulation 2 of this Chapter; and

(iii) *vertical extent*: from the base line upwards without limit.

(iv) If any damage of lesser extent than that indicated in sub-paragraphs (i), (ii) and (iii) of this paragraph would result in a more severe condition regarding heel or loss of metacentric height, such damage shall be assumed in the calculations.

(e) Unsymmetrical flooding is to be kept to a minimum consistent with efficient arrangements. Where it is necessary to correct large angles of heel, the means adopted shall, where practicable, be self-acting, but in any case where controls to cross-flooding fittings are provided they shall be operable from above the bulkhead deck. These fittings together with their controls as well as the maximum heel before equalisation shall be acceptable to the Administration. Where cross-flooding fittings are required the time for equalisation shall not exceed 15 minutes. Suitable information concerning the use of cross-flooding fittings shall be supplied to the master of the ship.

(f) The final conditions of the ship after damage and, in the case of unsymmetrical flooding, after equalisation measures have been taken shall be as follows:—

- (i) in the case of symmetrical flooding there shall be a positive residual metacentric height of at least 2 inches (or 0.05 metres) as calculated by the constant displacement method;
- (ii) in the case of unsymmetrical flooding the total heel shall not exceed seven degrees, except that, in special cases, the Administration may allow additional heel due to the unsymmetrical moment, but in no case shall the final heel exceed fifteen degrees;
- (iii) in no case shall the margin line be submerged in the final stage of flooding. If it is considered that the margin line may become submerged during an intermediate stage of flooding, the Administration may require such investigations and arrangements as it considers necessary for the safety of the ship.

(g) The master of the ship shall be supplied with the data necessary to maintain sufficient intact stability under service conditions to enable the ship to withstand the critical damage. In the case of ships requiring cross-flooding the master of the ship shall be informed of the conditions of stability on which the calculations of heel are based and be warned that excessive heeling might result should the ship sustain damage when in a less favourable condition.

(h) (i) No relaxation from the requirements for damage stability may be considered by the Administration unless it is shown that the intact metacentric height in any service condition necessary to meet these requirements is excessive for the service intended.

(ii) Relaxations from the requirements for damage stability shall be permitted only in exceptional cases and subject to the condition that the Administration is to be satisfied that the proportions, arrangements and other characteristics of the ship are the most favourable to stability after damage which can practically and reasonably be adopted in the particular circumstances.

Regulation 8*Ballasting*

When ballasting with water is necessary, the water ballast should not in general be carried in tanks intended for oil fuel. In ships in which it is not practicable to avoid putting water in oil fuel tanks, oily-water separator equipment to the satisfaction of the Administration shall be fitted, or other alternative means acceptable to the Administration shall be provided for disposing of the oily-water ballast.

Regulation 9*Peak and Machinery Space Bulkheads, Shaft Tunnels, &c.*

(a) (i) A ship shall have a forepeak or collision bulkhead, which shall be watertight up to the bulkhead deck. This bulkhead shall be fitted not less than 5 per cent. of the length of the ship, and not more than 10 feet (or 3·05 metres) plus 5 per cent. of the length of the ship from the forward perpendicular.

(ii) If the ship has a long forward superstructure, the forepeak bulkhead shall be extended weathertight to the deck next above the bulkhead deck. The extension need not be fitted directly over the bulkhead below, provided it is at least 5 per cent. of the length of the ship from the forward perpendicular, and the part of the bulkhead deck which forms the step is made effectively weathertight.

(b) An afterpeak bulkhead, and bulkheads dividing the machinery space, as defined in Regulation 2 of this Chapter, from the cargo and passenger spaces forward and aft, shall also be fitted and made watertight up to the bulkhead deck. The afterpeak bulkhead may, however, be stopped below the bulkhead deck, provided the degree of safety of the ship as regards subdivision is not thereby diminished.

(c) In all cases stern tubes shall be enclosed in watertight spaces of moderate volume. The stern gland shall be situated in a watertight shaft tunnel or other watertight space separate from the stern tube compartment and of such volume that, if flooded by leakage through the stern gland, the margin line will not be submerged.

Regulation 10*Double Bottoms*

(a) A double bottom shall be fitted extending from the forepeak bulkhead to the afterpeak bulkhead as far as this is practicable and compatible with the design and proper working of the ship.

- (i) In ships 165 feet (or 50 metres) and under 200 feet (or 61 metres) in length a double bottom shall be fitted at least from the machinery space to the forepeak bulkhead, or as near thereto as practicable.
- (ii) In ships 200 feet (or 61 metres) and under 249 feet (or 76 metres) in length a double bottom shall be fitted at least outside the machinery space, and shall extend to the fore and after peak bulkheads, or as near thereto as practicable.
- (iii) In ships 249 feet (or 76 metres) in length and upwards a double bottom shall be fitted amidships, and shall extend to the fore and after peak bulkheads, or as near thereto as practicable.

(b) Where a double bottom is required to be fitted its depth shall be to the satisfaction of the Administration and the inner bottom shall be continued out to the ship's sides in such a manner as to protect the bottom to the turn of the bilge. Such protection will be deemed satisfactory if the line of intersection of the outer edge of the margin plate with the bilge plating is not lower at any part than a horizontal plane passing through the point of intersection with the frame line amidships of a transverse diagonal line inclined at 25 degrees to the base line and cutting it at a point one-half the ship's moulded breadth from the middle line.

(c) Small wells constructed in the double bottom in connection with drainage arrangements of holds, &c., shall not extend downwards more than necessary. The depth of the well shall in no case be more than the depth less 18 inches (or 457 millimetres) of the double bottom at the centreline, nor shall the well extend below the horizontal plane referred to in paragraph (b) of this Regulation. A well extending to the outer bottom is, however, permitted at the after end of the shaft tunnel of screw ships. Other wells (e.g., for lubricating oil under main engines) may be permitted by the Administration if satisfied that the arrangements give protection equivalent to that afforded by a double bottom complying with this Regulation.

(d) A double bottom need not be fitted in way of watertight compartments of moderate size used exclusively for the carriage of liquids, provided the safety of the ship, in the event of bottom or side damage, is not, in the opinion of the Administration, thereby impaired.

(e) In the case of ships to which the provisions of paragraph (d) of Regulation 1 of this Chapter apply and which are engaged on regular service within the limits of a short international voyage as defined in Regulation 2 of Chapter III, the Administration may permit a double bottom to be dispensed with in any part of the ship which is subdivided by a factor not exceeding .50, if satisfied that the fitting of a double bottom in that part would not be compatible with the design and proper working of the ship.

Regulation 11*Assigning, Marking and Recording of Subdivision Loadlines*

(a) In order that the required degree of subdivision shall be maintained, a loadline corresponding to the approved subdivision draught shall be assigned and marked on the ship's sides. A ship having spaces which are specially adapted for the accommodation of passengers and the carriage of cargo alternatively may, if the owners desire, have one or more additional loadlines assigned and marked to correspond with the subdivision draughts which the Administration may approve for the alternative service conditions.

(b) The subdivision loadlines assigned and marked shall be recorded in the Passenger Ship Safety Certificate, and shall be distinguished by the notation C.1 for the principal passenger condition, and C.2, C.3, &c., for the alternative conditions.

(c) The freeboard corresponding to each of these loadlines shall be measured at the same position and from the same deck line as the freeboards determined in accordance with the International Convention respecting Load Lines in force.

(d) The freeboard corresponding to each approved subdivision loadline and the conditions of service for which it is approved, shall be clearly indicated on the Passenger Ship Safety Certificate.

(e) In no case shall any subdivision loadline mark be placed above the deepest loadline in salt water as determined by the strength of the ship and/or the International Convention respecting Load Lines in force.

(f) Whatever may be the position of the subdivision loadline marks, a ship shall in no case be loaded so as to submerge the loadline mark appropriate to the season and locality as determined in accordance with the International Convention respecting Load Lines in force.

(g) A ship shall in no case be so loaded that when she is in salt water the subdivision loadline mark appropriate to the particular voyage and condition of service is submerged.

Regulation 12*Construction and Initial Testing of Watertight Bulkheads, &c.*

(a) Each watertight subdivision bulkhead, whether transverse or longitudinal, shall be constructed in such a manner that it shall be capable of supporting, with a proper margin of resistance, the pressure due to the maximum head of water which it might have to sustain in the event of damage to the ship but at least the pressure due to a head of water up to the margin line. The construction of these bulkheads shall be to the satisfaction of the Administration.

(b) (i) Steps and recesses in bulkheads shall be watertight and as strong as the bulkhead at the place where each occurs.

(ii) Where frames or beams pass through a watertight deck or bulkhead, such deck or bulkhead shall be made structurally watertight without the use of wood or cement.

(c) Testing main compartments by filling them with water is not compulsory. When testing by filling with water is not carried out, a hose test is compulsory; this test shall be carried out in the most advanced stage of the fitting out of the ship. In any case, a thorough inspection of the watertight bulkheads shall be carried out.

(d) The forepeak, double bottoms (including duct keels) and inner skins shall be tested with water to a head corresponding to the requirements of paragraph (a) of this Regulation.

(e) Tanks which are intended to hold liquids, and which form part of the subdivision of the ship, shall be tested for tightness with water to a head up to the deepest subdivision loadline or to a head corresponding to two-thirds of the depth from the top of keel to the margin line in way of the tanks, whichever is the greater; provided that in no case shall the test head be less than 3 feet (or 0.92 metres) above the top of the tank.

(f) The tests referred to in paragraphs (d) and (e) of this Regulation are for the purpose of ensuring that the subdivision structural arrangements are watertight and are not to be regarded as a test of the fitness of any compartment for the storage of oil fuel or for other special purposes for which a test of a superior character may be required depending on the height to which the liquid has access in the tank or its connections.

Regulation 13

Openings in Watertight Bulkheads

(a) The number of openings in watertight bulkheads shall be reduced to the minimum compatible with the design and proper working of the ship; satisfactory means shall be provided for closing these openings.

(b) (i) Where pipes, scuppers, electric cables, &c., are carried through watertight subdivision bulkheads, arrangements shall be made to ensure the integrity of the watertightness of the bulkheads.

(ii) Valves and cocks not forming part of a piping system shall not be permitted in watertight subdivision bulkheads.

(iii) Lead or other heat sensitive materials shall not be used in systems which penetrate watertight subdivision bulkheads, where deterioration of such systems in the event of fire would impair the watertight integrity of the bulkheads.

(c) (i) No doors, manholes, or access openings are permitted:—

(1) in the collision bulkhead below the margin line;

(2) in watertight transverse bulkheads dividing a cargo space from an adjoining cargo space or from a permanent or reserve bunker, except as provided in paragraph (l) of this Regulation.

(ii) Except as provided in sub-paragraph (iii) of this paragraph, the collision bulkhead may be pierced below the margin line by not more than one pipe for dealing with fluid in the forepeak tank, provided that the pipe is fitted with a screwdown valve capable of being operated from above the bulkhead deck, the valve chest being secured inside the forepeak to the collision bulkhead.

(iii) If the forepeak is divided to hold two different kinds of liquids the Administration may allow the collision bulkhead to be pierced below the margin line by two pipes, each of which is fitted as required by sub-paragraph (ii) of this paragraph, provided the Administration is satisfied that there is no practical alternative to the fitting of such a second pipe and that, having regard to the additional subdivision provided in the forepeak, the safety of the ship is maintained.

(d) (i) Watertight doors fitted in bulkheads between permanent and reserve bunkers shall be always accessible, except as provided in sub-paragraph (ii) of paragraph (k) of this Regulation for between deck bunker doors.

(ii) Satisfactory arrangements shall be made by means of screens or otherwise to prevent the coal from interfering with the closing of watertight bunker doors.

(e) Within spaces containing the main and auxiliary propelling machinery including boilers serving the needs of propulsion and all permanent bunkers, not more than one door apart from the doors to bunkers and shaft tunnels may be fitted in each main transverse bulkhead. Where two or more shafts are fitted the tunnels shall be connected by an inter-communicating passage. There shall be only one door between the machinery space and the tunnel spaces where two shafts are fitted and only two doors where there are more than two shafts. All these doors shall be of the sliding type and shall be located so as to have their sills as high as practicable. The hand gear for operating these doors from above the bulkhead deck shall be situated outside the spaces containing the machinery if this is consistent with a satisfactory arrangement of the necessary gearing.

(f) (i) Watertight doors shall be sliding doors or hinged doors or doors of an equivalent type. Plate doors secured only by bolts and doors required to be closed by dropping or by the action of a dropping weight are not permitted.

(ii) Sliding doors may be either:—

hand operated only, or

power operated as well as hand operated.

(iii) Authorized watertight doors may therefore be divided into three Classes:—

Class 1—hinged doors;

Class 2—hand operated sliding doors;

Class 3—sliding doors which are power operated as well as hand operated.

(iv) The means of operation of any watertight door whether power operated or not shall be capable of closing the door with the ship listed to 15 degrees either way.

(v) In all classes of watertight doors indicators shall be fitted which show, at all operating stations from which the doors are not visible, whether the doors are open or closed. If any of the watertight doors, of whatever Class, is not fitted so as to enable it to be closed from a central control station, it shall be provided with a mechanical, electrical, telephonic, or any other suitable direct means of communication, enabling the officer of the watch promptly to contact the person who is responsible for closing the door in question, under previous orders.

(g) Hinged doors (Class 1) shall be fitted with quick action closing devices, such as catches, workable from each side of the bulkhead.

(h) Hand operated sliding doors (Class 2) may have a horizontal or vertical motion. It shall be possible to operate the mechanism at the door itself from either side, and in addition, from an accessible position above the bulkhead deck, with an all round crank motion, or some other movement providing the same guarantee of safety and of an approved type. Departures from the requirement of operation on both sides may be allowed, if this requirement is impossible owing to the layout of the spaces. When operating a hand gear the time necessary for the complete closure of the door with the vessel upright, shall not exceed 90 seconds.

(i) (i) Power operated sliding doors (Class 3) may have a vertical or horizontal motion. If a door is required to be power operated from a central control, the gearing shall be so arranged that the door can be operated by power also at the door itself from both sides. The arrangement shall be such that the door will close automatically if opened by local control after being closed from the central control, and also such that any door can be kept closed by local systems which will prevent the door from being opened from the upper control. Local control handles in connection with the power gear shall be provided each side of the bulkhead and shall be so arranged as to enable persons passing through the doorway to hold both handles in the open position without being able to set the closing mechanism in operation accidentally. Power operated sliding doors shall be provided with hand gear workable at the door itself on either side and from an accessible position

above the bulkhead deck, with an all round crank motion or some other movement providing the same guarantee of safety and of an approved type. Provision shall be made to give warnings by sound signal that the door has begun to close and will continue to move until it is completely closed. The door shall take a sufficient time to close to ensure safety.

(ii) There shall be at least two independent power sources capable of opening and closing all the doors under control, each of them capable of operating all the doors simultaneously. The two power sources shall be controlled from the central station on the bridge provided with all the necessary indicators for checking that each of the two power sources is capable of giving the required service satisfactorily.

(iii) In the case of hydraulic operation, each power source shall consist of a pump capable of closing all doors in not more than 60 seconds. In addition, there shall be for the whole installation hydraulic accumulators of sufficient capacity to operate all the doors at least three times, *i.e.*, closed—open—closed. The fluid used shall be one which does not freeze at any of the temperatures liable to be encountered by the ship during its service.

(j) (i) Hinged watertight doors (Class 1) in passenger, crew and working spaces are only permitted above a deck the underside of which, at its lowest point at side, is at least 7 feet (or 2·13 metres) above the deepest subdivision loadline.

(ii) Watertight doors, the sills of which are above the deepest loadline and below the line specified in the preceding sub-paragraph shall be sliding doors and may be hand operated (Class 2), except in vessels engaged on short international voyages and required to have a factor of subdivision of ·50 or less in which all such doors shall be power operated. When trunkways in connection with refrigerated cargo and ventilation or forced draught ducts are carried through more than one main watertight subdivision bulkhead, the doors at such openings shall be operated by power.

(k) (i) Watertight doors which may sometimes be opened at sea, and the sills of which are below the deepest subdivision loadline shall be sliding doors. The following rules shall apply:—

- (1) when the number of such doors (excluding doors at entrances to shaft tunnels) exceeds five, all of these doors and those at the entrance to shaft tunnels or ventilation or forced draught ducts, shall be power operated (Class 3) and shall be capable of being simultaneously closed from a central station situated on the bridge;

- (2) when the number of such doors (excluding doors at entrances to shaft tunnels) is greater than one, but does not exceed five,
- (a) where the ship has no passenger spaces below the bulkhead deck, all the above mentioned doors may be hand operated (Class 2);
 - (b) where the ship has passenger spaces below the bulkhead deck all the above mentioned doors shall be power operated (Class 3) and shall be capable of being simultaneously closed from a central station situated on the bridge;
- (3) in any ship where there are only two such watertight doors and they are into or within the space containing machinery, the Administration may allow these two doors to be hand operated only (Class 2).

(ii) If sliding watertight doors which have sometimes to be open at sea for the purpose of trimming coal are fitted between bunkers in the between decks below the bulkhead deck, these doors shall be operated by power. The opening and closing of these doors shall be recorded in such log book as may be prescribed by the Administration.

(l) (i) If the Administration is satisfied that such doors are essential, watertight doors of satisfactory construction may be fitted in watertight bulkheads dividing cargo between deck spaces. Such doors may be hinged, rolling or sliding doors but shall not be remotely controlled. They shall be fitted at the highest level and as far from the shell plating as practicable, but in no case shall the outboard vertical edges be situated at a distance from the shell plating which is less than one-fifth of the breadth of the ship, as defined in Regulation 2 of this Chapter, such distance being measured at right angles to the centre line of the ship at the level of the deepest subdivision loadline.

(ii) Such doors shall be closed before the voyage commences and shall be kept closed during navigation; and the time of opening such doors in port and of closing them before the ship leaves port shall be entered in the log book. Should any of the doors be accessible during the voyage, they shall be fitted with a device which prevents unauthorized opening. When it is proposed to fit such doors, the number and arrangements shall receive the special consideration of the Administration.

(m) Portable plates on bulkheads shall not be permitted except in machinery spaces. Such plates shall always be in place before the ship leaves port, and shall not be removed during navigation except in case of urgent necessity. The necessary precautions shall be taken in replacing them to ensure that the joints shall be watertight.

(n) All watertight doors shall be kept closed during navigation except when necessarily opened for the working of the ship, and shall always be ready to be immediately closed.

(o) (i) Where trunkways or tunnels for access from crew accommodation to the stokehold, for piping, or for any other purpose are carried through main transverse watertight bulkheads, they shall be watertight and in accordance with the requirements of Regulation 16 of this Chapter. The access to at least one end of each such tunnel or trunkway, if used as a passage at sea, shall be through a trunk extending watertight to a height sufficient to permit access above the margin line. The access to the other end of the trunkway or tunnel may be through a watertight door of the type required by its location in the ship. Such trunkways or tunnels shall not extend through the first subdivision bulkhead abaft the collision bulkhead.

(ii) Where it is proposed to fit tunnels or trunkways for forced draught, piercing main transverse watertight bulkheads, these shall receive the special consideration of the Administration.

Regulation 14

Openings in the Shell Plating below the Margin Line

(a) The number of openings in the shell plating shall be reduced to the minimum compatible with the design and proper working of the ship.

(b) The arrangement and efficiency of the means for closing any opening in the shell plating shall be consistent with its intended purpose and the position in which it is fitted and generally to the satisfaction of the Administration.

(c) (i) If in a between decks, the sills of any sidescuttles are below a line drawn parallel to the bulkhead deck at side and having its lowest point $2\frac{1}{2}$ per cent. of the breadth of the ship above the deepest subdivision loadline, all sidescuttles in that between deck shall be of the non-opening type.

(ii) All sidescuttles the sills of which are below the margin line, other than those required to be of a non-opening type by sub-paragraph (i) of this paragraph, shall be of such construction as will effectively prevent any person opening them without the consent of the master of the ship.

(iii) (1) Where in a between decks, the sills of any of the sidescuttles referred to in sub-paragraph (ii) of this paragraph are below a line drawn parallel to the bulkhead deck at side and having its lowest point $4\frac{1}{2}$ feet (or 1.37 metres) plus $2\frac{1}{2}$ per cent. of the breadth of the ship above the water when the ship departs from any port, all the sidescuttles in that between decks shall be closed watertight and locked before the ship leaves port, and they shall not be opened before the ship arrives at the next port. In the application of this sub-paragraph the appropriate allowance for fresh water may be made when applicable.

(2) The time of opening such sidescuttles in port and of closing and locking them before the ship leaves port shall be entered in such log book as may be prescribed by the Administration.

- (3) For any ship that has one or more sidescuttles so placed that the requirements of clause (1) of this sub-paragraph would apply when she was floating at her deepest subdivision loadline, the Administration may indicate the limiting mean draught at which these sidescuttles will have their sills above the line drawn parallel to the bulkhead deck at side, and having its lowest point $4\frac{1}{2}$ feet (or 1.37 metres) plus $2\frac{1}{2}$ per cent. of the breadth of the ship above the waterline corresponding to the limiting mean draught, and at which it will therefore be permissible to depart from port without previously closing and locking them and to open them at sea on the responsibility of the master during the voyage to the next port. In tropical zones as defined in the International Convention respecting Load Lines in force, this limiting draught may be increased by 1 foot (or 0.305 metres).

(d) Efficient hinged inside deadlights arranged so that they can be easily and effectively closed and secured watertight shall be fitted to all sidescuttles except that abaft one-eighth of the ship's length from the forward perpendicular and above a line drawn parallel to the bulkhead deck at side and having its lowest point at a height of 12 feet (or 3.66 metres) plus $2\frac{1}{2}$ per cent. of the breadth of the ship above the deepest subdivision loadline, the deadlights may be portable in passenger accommodation other than that for steerage passengers, unless the deadlights are required by the International Convention respecting Load Lines in force to be permanently attached in their proper positions. Such portable deadlights shall be stowed adjacent to the sidescuttles they serve.

(e) Sidescuttles and their deadlights, which will not be accessible during navigation, shall be closed and secured before the ship leaves port.

(f) (i) No sidescuttles shall be fitted in any spaces which are appropriated exclusively to the carriage of cargo or coal.

(ii) Sidescuttles may, however, be fitted in spaces appropriated alternatively to the carriage of cargo or passengers, but they shall be of such construction as will effectively prevent any person opening them or their deadlights without the consent of the master of the ship.

(iii) If cargo is carried in such spaces, the sidescuttles and their deadlights shall be closed watertight and locked before the cargo is shipped and such closing and locking shall be recorded in such log book as may be prescribed by the Administration.

(g) Automatic ventilating sidescuttles shall not be fitted in the shell plating below the margin line without the special sanction of the Administration.

(h) The number of scuppers, sanitary discharges and other similar openings in the shell plating shall be reduced to the minimum either by making each discharge serve for as many as possible of the sanitary and other pipes, or in any other satisfactory manner.

(i) (i) All inlets and discharges in the shell plating shall be fitted with efficient and accessible arrangements for preventing the accidental admission of water into the ship. Lead or other heat sensitive materials shall not be used for pipes fitted outboard of shell valves in inlets or discharges, or any other application where the deterioration of such pipes in the event of fire would give rise to danger of flooding.

(ii) (1) Except as provided in sub-paragraph (iii) of this paragraph, each separate discharge led through the shell plating from spaces below the margin line shall be provided either with one automatic non-return valve fitted with a positive means of closing it from above the bulkhead deck, or, alternatively, with two automatic non-return valves without such means, the upper of which is so situated above the deepest subdivision loadline as to be always accessible for examination under service conditions, and is of a type which is normally closed.

(2) Where a valve with positive means of closing is fitted, the operating position above the bulkhead deck shall always be readily accessible, and means shall be provided for indicating whether the valve is open or closed.

(iii) Main and auxiliary sea inlets and discharges in connection with machinery shall be fitted with readily accessible cocks or valves between the pipes and shell plating or between the pipes and fabricated boxes attached to the shell plating.

(j) (i) Gangway, cargo and coaling ports fitted below the margin line shall be of sufficient strength. They shall be effectively closed and secured watertight before the ship leaves port, and shall be kept closed during navigation.

(ii) Such ports shall be in no case fitted so as to have their lowest point below the deepest subdivision loadline.

(k) (i) The inboard opening of each ash-shoot, rubbish-shoot, &c. shall be fitted with an efficient cover.

(ii) If the inboard opening is situated below the margin line, the cover shall be watertight, and in addition an automatic non-return valve shall be fitted in the shoot in an easily accessible position above the deepest subdivision loadline. When the shoot is not in use both the cover and the valve shall be kept closed and secured.

Regulation 15

Construction and Initial Tests of Watertight Doors, Sidescuttles, &c.

(a) (i) The design, materials and construction of all watertight doors, sidescuttles, gangway, cargo and coaling ports, valves, pipes, ash-shoots and rubbish-shoots referred to in these Regulations shall be to the satisfaction of the Administration.

(ii) The frames of vertical watertight doors shall have no groove at the bottom in which dirt might lodge and prevent the door closing properly.

(iii) All cocks and valves for sea inlets and discharges below the bulkhead deck and all fittings outboard of such cocks and valves shall be made of steel, bronze or other approved ductile material. Ordinary cast iron or similar materials shall not be used.

(b) Each watertight door shall be tested by water pressure to a head up to the bulkhead deck. The test shall be made before the ship is put in service, either before or after the door is fitted.

Regulation 16

Construction and Initial Tests of Watertight Decks, Trunks, &c.

(a) Watertight decks, trunks, tunnels, duct keels and ventilators shall be of the same strength as watertight bulkheads at corresponding levels. The means used for making them watertight, and the arrangements adopted for closing openings in them, shall be to the satisfaction of the Administration. Watertight ventilators and trunks shall be carried at least up to the bulkhead deck.

(b) After completion, a hose or flooding test shall be applied to watertight decks and a hose test to watertight trunks, tunnels and ventilators.

Regulation 17

Watertight Integrity above the Margin Line

(a) The Administration may require that all reasonable and practicable measures shall be taken to limit the entry and spread of water above the bulkhead deck. Such measures may include partial bulkheads or webs. When partial watertight bulkheads and webs are fitted on the bulkhead deck, above or in the immediate vicinity of main subdivision bulkheads, they shall have watertight shell and bulkhead deck connections so as to restrict the flow of water along the deck when the ship is in a heeled damaged condition. Where the partial watertight bulkhead does not line up with the bulkhead below, the bulkhead deck between shall be made effectively watertight.

(b) The bulkhead deck or a deck above it shall be weathertight in the sense that in ordinary sea conditions water will not penetrate in a downward direction. All openings in the exposed weather deck shall have coamings of ample height and strength and shall be provided with efficient means

for expeditiously closing them weathertight. Freeing ports, open rails and/or scuppers shall be fitted as necessary for rapidly clearing the weather deck of water under all weather conditions.

(c) Sidescuttles, gangway, cargo and coaling ports and other means for closing openings in the shell plating above the margin line shall be of efficient design and construction and of sufficient strength having regard to the spaces in which they are fitted and their positions relative to the deepest subdivision loadline.

(d) Efficient inside deadlights, arranged so that they can be easily and effectively closed and secured watertight, shall be provided for all sidescuttles to spaces below the first deck above the bulkhead deck.

Regulation 18

Bilge Pumping Arrangements in Passenger Ships

(a) Ships shall be provided with an efficient bilge pumping plant capable of pumping from and draining any watertight compartment which is neither a permanent oil compartment nor a permanent water compartment under all practicable conditions after a casualty whether the ship is upright or listed. For this purpose wing suction will generally be necessary except in narrow compartments at the ends of the ship, where one suction may be sufficient. In compartments of unusual form, additional suction may be required. Arrangements shall be made whereby water in the compartment may find its way to the suction pipes. Where in relation to particular compartments the Administration is satisfied that the provision of drainage may be undesirable, it may allow such provision to be dispensed with if calculations made in accordance with the conditions laid down in paragraph (b) of Regulation 7 of this Chapter show that the safety of the ship will not be impaired. Efficient means shall be provided for draining water from insulated holds.

(b) (i) Ships shall have at least three power pumps connected to the bilge main, one of which may be attached to the propelling unit. Where the criterion numeral is 30 or more, one additional independent power pump shall be provided.

(ii) The requirements are summarised in the following table:—

Criterion numeral	Less than 30	30 and over
Main engine pump (may be replaced by one independent pump)	1	1
Independent pumps	2	3

(iii) Sanitary, ballast and general service pumps may be accepted as independent power bilge pumps if fitted with the necessary connections to the bilge pumping system.

(c) Where practicable, the power bilge pumps shall be placed in separate watertight compartments so arranged or situated that these compartments will not readily be flooded by the same damage. If the engines and boilers are in two or more watertight compartments, the pumps available for bilge service shall be distributed throughout these compartments as far as is possible.

(d) On ships 300 feet (or 91.5 metres) or more in length or having a criterion numeral of 30 or more, the arrangements shall be such that at least one power pump shall be available for use in all ordinary circumstances in which a ship may be flooded at sea. This requirement will be satisfied if:—

- (i) one of the required pumps is an emergency pump of a reliable submersible type having a source of power situated above the bulkhead deck; or
- (ii) the pumps and their sources of power are so disposed throughout the length of the ship that under any condition of flooding which the ship is required to withstand, at least one pump in an undamaged compartment will be available.

(e) With the exception of additional pumps which may be provided for peak compartments only, each required bilge pump shall be arranged to draw water from any space required to be drained by paragraph (a) of this Regulation.

(f) (i) Each power bilge pump shall be capable of giving a speed of water through the required main bilge pipe of not less than 400 feet (or 122 metres) per minute. Independent power bilge pumps situated in machinery spaces shall have direct suctions from these spaces, except that not more than two such suctions shall be required in any one space. Where two or more such suctions are provided there shall be at least one on the port side and one on the starboard side. The Administration may require independent power bilge pumps situated in other spaces to have separate direct suctions. Direct suctions shall be suitably arranged and those in a machinery space shall be of a diameter not less than that required for the bilge main.

(ii) In coal-burning ships there shall be provided in the stokehold, in addition to the other suctions required by this Regulation, a flexible suction hose of suitable diameter and sufficient length, capable of being connected to the suction side of an independent power pump.

(g) (i) In addition to the direct bilge suction or suctions required by paragraph (f) of this Regulation there shall be in the machinery space a direct suction from the main circulating pump leading to the drainage level of the machinery space and fitted with a non-return valve. The diameter of this direct suction pipe shall be at least two-thirds of the diameter of the pump inlet in the case of steamships, and of the same diameter as the pump inlet in the case of motorships.

(ii) Where in the opinion of the Administration the main circulating pump is not suitable for this purpose, a direct emergency bilge suction shall be led from the largest available independent power driven pump to the drainage level of the machinery space; the suction shall be of the same diameter as the main inlet of the pump used. The capacity of the pump so connected shall exceed that of a required bilge pump by an amount satisfactory to the Administration.

(iii) The spindles of the sea inlet and direct suction valves shall extend well above the engine room platform.

(iv) Where the fuel is, or may be, coal and there is no watertight bulkhead between the engines and the boilers, a direct discharge overboard or alternatively a by-pass to the circulating pump discharge, shall be fitted from any circulating pump used in compliance with sub-paragraph (i) of this paragraph.

(h) (i) All pipes from the pumps which are required for draining cargo or machinery spaces shall be entirely distinct from pipes which may be used for filling or emptying spaces where water or oil is carried.

(ii) All bilge pipes used in or under coal bunkers or fuel storage tanks or in boiler or machinery spaces, including spaces in which oil-settling tanks or oil fuel pumping units are situated, shall be of steel or other approved material.

(i) The diameter of the bilge main shall be calculated according to the following formulae provided that the actual internal diameter of the bilge main may be of the nearest standard size acceptable to the Administration:

$$d = \sqrt{\frac{L (B+D)}{2,500}} + 1$$

where d = internal diameter of the bilge main in inches

L = length of ship in feet

B = breadth of ship in feet

D = moulded depth of ship to bulkhead deck in feet;

or

$$d = 1.68 \sqrt{L (B+D)+25}$$

where d = internal diameter of the bilge main in millimetres

L = length of ship in metres

B = bread of ship in metres

D = moulded depth of ship to bulkhead deck in metres.

The diameter of the bilge branch pipes shall be determined by rules to be made by the Administration.

(j) The arrangement of the bilge and ballast pumping system shall be such as to prevent the possibility of water passing from the sea and from water ballast spaces into the cargo and machinery spaces, or from one compartment to another. Special provision shall be made to prevent any deep tank having bilge and ballast connections being inadvertently run up from the sea when containing cargo, or pumped out through a bilge pipe when containing water ballast.

(k) Provision shall be made to prevent the compartment served by any bilge suction pipe being flooded in the event of the pipe being severed, or otherwise damaged by collision or grounding in any other compartment. For this purpose, where the pipe is at any part situated nearer the side of the ship than one-fifth the breadth of the ship (measured at right angles to the centre line at the level of the deepest subdivision load line), or in a duct keel, a non-return valve shall be fitted to the pipe in the compartment containing the open end.

(l) All the distribution boxes, cocks and valves in connection with the bilge pumping arrangements shall be in positions which are accessible at all times under ordinary circumstances. They shall be so arranged that, in the event of flooding, one of the bilge pumps may be operative on any compartment; in addition, damage to a pump or its pipe connecting to the bilge main outboard of a line drawn at one-fifth of the breadth of the ship shall not put the bilge system out of action. If there is only one system of pipes common to all the pumps, the necessary cocks or valves for controlling the bilge suctions must be capable of being operated from above the bulkhead deck. Where in addition to the main bilge pumping system an emergency bilge pumping system is provided, it shall be independent of the main system and so arranged that a pump is capable of operating on any compartment under flooding conditions; in that case only the cocks and valves necessary for the operation of the emergency system need be capable of being operated from above the bulkhead deck.

(m) All cocks and valves mentioned in paragraph (l) of this Regulation which can be operated from above the bulkhead deck shall have their controls at their place of operation clearly marked and provided with means to indicate whether they are open or closed.

Regulation 19

Stability Information for Passenger Ships and Cargo Ships

(a) Every passenger ship and cargo ship shall be inclined upon its completion and the elements of its stability determined. The master shall be supplied with such reliable information as is necessary to enable him by rapid and simple processes to obtain accurate guidance as to the stability of the ship under varying conditions of service, and a copy shall be furnished to the Administration.

(b) Where any alterations are made to a ship so as to materially affect the stability information supplied to the master, amended stability information shall be provided. If necessary the ship shall be re-inclined.

(c) The Administration may allow the inclining test of an individual ship to be dispensed with provided basic stability data are available from the inclining test of a sister ship and it is shown to the satisfaction of the Administration that reliable stability information for the exempted ship can be obtained from such basic data.

(d) The Administration may also allow the inclining test of an individual ship or class of ships, especially designed for the carriage of liquids or ore in bulk, to be dispensed with when reference to existing data for similar ships clearly indicate that due to the ship's proportions and arrangements more than sufficient metacentric height will be available in all probable loading conditions.

Regulation 20

Damage Control Plans

There shall be permanently exhibited, for the guidance of the officer in charge of the ship, plans showing clearly for each deck and hold the boundaries of the watertight compartments, the openings therein with the means of closure and position of any controls thereof, and the arrangements for the correction of any list due to flooding. In addition, booklets containing the aforementioned information shall be made available to the officers of the ship.

Regulation 21

Marking, Periodical Operation and Inspection of Watertight Doors, &c.

(a) This Regulation applies to new and existing ships.

(b) Drills for the operating of watertight doors, sidescuttles, valves and closing mechanisms of scuppers, ash-shoots and rubbish-shoots shall take place weekly. In ships in which the voyage exceeds one week in duration

a complete drill shall be held before leaving port, and others thereafter at least once a week during the voyage. In all ships all watertight power doors and hinged doors, in main transverse bulkheads, in use at sea, shall be operated daily.

(c) (i) The watertight doors and all mechanisms and indicators connected therewith, all valves the closing of which is necessary to make a compartment watertight, and all valves the operation of which is necessary for damage control cross connections shall be periodically inspected at sea at least once a week.

(ii) Such valves, doors and mechanisms shall be suitably marked to ensure that they may be properly used to provide maximum safety.

Regulation 22

Entries in Log

(a) This Regulation applies to new and existing ships.

(b) Hinged doors, portable plates, sidescuttles, gangway, cargo and coaling ports and other openings, which are required by these Regulations to be kept closed during navigation, shall be closed before the ship leaves port. The time of closing and the time of opening (if permissible under these Regulations) shall be recorded in such log book as may be prescribed by the Administration.

(c) A record of all drills and inspections required by Regulation 21 of this Chapter shall be entered in the log book with an explicit record of any defects which may be disclosed.

PART C.—MACHINERY AND ELECTRICAL INSTALLATIONS

(Part C applies to passenger ships and cargo ships)

Regulation 23

General

(a) Electrical installations in passenger ships shall be such that:—

(i) services essential for safety will be maintained under various emergency conditions; and

(ii) the safety of passengers, crew and ship from electrical hazards will be assured.

(b) Cargo ships shall comply with Regulations 26, 27, 28, 29, 30 and 33 of this Chapter.

Regulation 24*Main Source of Electrical Power in Passenger Ships*

(a) Every passenger ship, the electrical power of which constitutes the only means of maintaining the auxiliary services indispensable for the propulsion and the safety of the ship, shall be provided with at least two main generating sets. The power of these sets shall be such that it shall still be possible to ensure the functioning of the services referred to in subparagraph (a) (i) of Regulation 23 of this Chapter in the event of any one of these generating sets being stopped.

(b) In a passenger ship where there is only one main generating station, the main switchboard shall be located in the same main fire zone. Where there is more than one main generating station, it is permissible to have only one main switchboard.

Regulation 25*Emergency Source of Electrical Power in Passenger Ships*

(a) There shall be above the bulkhead deck and outside the machinery casings a self-contained emergency source of electrical power. Its location in relation to the main source or sources of electrical power shall be such as to ensure to the satisfaction of the Administration that a fire or other casualty to the machinery space as defined in paragraph (h) of Regulation 2 of this Chapter will not interfere with the supply or distribution of emergency power. It shall not be forward of the collision bulkhead.

(b) The power available shall be sufficient to supply all those services that are, in the opinion of the Administration, necessary for the safety of the passengers and the crew in an emergency, due regard being paid to such services as may have to be operated simultaneously. Special consideration shall be given to emergency lighting at every boat station, on deck and oversides, in all alleyways, stairways and exits, in the machinery spaces and in the control stations as defined in paragraph (f) of Regulation 35 of this Chapter, to the sprinkler pump, to navigation lights, and to the daylight signalling lamp if operated from the main source of power. The power shall be adequate for a period of 36 hours, except that, in the case of ships engaged regularly on voyages of short duration, the Administration may accept a lesser supply if satisfied that the same standard of safety would be attained.

(c) The emergency source of power may be either:—

- (i) a generator driven by a suitable prime-mover with an independent fuel supply and with approved starting arrangements; the fuel used shall have a flash point of not less than 110°F. (or 43°C.); or

(ii) an accumulator (storage) battery capable of carrying the emergency load without recharging or excessive voltage drop.

(d) (i) Where the emergency source of power is a generator there shall be provided a temporary source of emergency power consisting of an accumulator battery of sufficient capacity:—

- (1) to supply emergency lighting continuously for half an hour;
- (2) to close the watertight doors (if electrically operated) but not necessarily to close them all simultaneously;
- (3) to operate the indicators (if electrically operated) which show whether power operated watertight doors are open or closed; and
- (4) to operate the sound signals (if electrically operated) which give warning that power operated watertight doors are about to close.

The arrangements shall be such that the temporary source of emergency power will come into operation automatically in the event of failure of the main electrical supply.

(ii) Where the emergency source of power is an accumulator battery, arrangements shall be made to ensure that emergency lighting will automatically come into operation in the event of failure of the main lighting supply.

(e) An indicator shall be mounted in the machinery space, preferably on the main switchboard, to indicate when any accumulator battery fitted in accordance with this Regulation is being discharged.

(f) (i) The emergency switchboard shall be installed as near as is practicable to the emergency source of power.

(ii) Where the emergency source of power is a generator, the emergency switchboard shall be located in the same space as the emergency source of power, unless the operation of the emergency switchboard would thereby be impaired.

(iii) No accumulator battery fitted in accordance with this Regulation shall be installed in the same space as the emergency switchboard.

(iv) The Administration may permit the emergency switchboard to be supplied from the main switchboard in normal operation.

(g) Arrangements shall be such that the complete emergency installation will function when the ship is inclined $22\frac{1}{2}$ degrees and/or when the trim of the ship is 10 degrees.

(h) Provision shall be made for the periodic testing of the emergency source of power and the temporary source of power, if provided, which shall include the testing of automatic arrangements.

Regulation 26*Emergency Source of Electrical Power in Cargo Ships**(a) Cargo ships of 5,000 Tons Gross Tonnage and upwards*

(i) In cargo ships of 5,000 tons gross tonnage and upwards there shall be a self-contained emergency source of power, located to the satisfaction of the Administration above the uppermost continuous deck and outside the machinery casings, to ensure its functioning in the event of fire or other casualty causing failure to the main electrical installation.

(ii) The power available shall be sufficient to supply all those services which are, in the opinion of the Administration, necessary for the safety of all on board in an emergency, due regard being paid to such services as may have to be operated simultaneously. Special consideration shall be given to:—

- (1) emergency lighting at every boat station on deck and oversides, in all alleyways, stairways and exits, in the main machinery space and main generating set space, on the navigating bridge and in the chartroom;
- (2) the general alarm; and
- (3) navigation lights if solely electric, and the daylight signalling lamp if operated by the main source of electrical power.

The power shall be adequate for a period of 6 hours.

(iii) The emergency source of power may be either:—

- (1) an accumulator (storage) battery capable of carrying the emergency load without recharging or excessive voltage drop; or
- (2) a generator driven by a suitable prime-mover with an independent fuel supply and with starting arrangements to the satisfaction of the Administration. The fuel used shall have a flash point of not less than 110°F. (or 43°C.).

(iv) Arrangements shall be such that the complete emergency installation will function when the ship is inclined $22\frac{1}{2}$ degrees and/or when the trim of the ship is 10 degrees.

(v) Provision shall be made for the periodic testing of the complete emergency installation.

(b) Cargo ships of less than 5,000 Tons Gross Tonnage

(i) In cargo ships of less than 5,000 tons gross tonnage there shall be a self-contained emergency source of power located to the satisfaction of the Administration, and capable of supplying the illumination at launching stations and stowage positions of survival craft prescribed in sub-paragraphs

(a) (ii), (b) (ii) and (b) (iii) of Regulation 19 of Chapter III, and in addition such other services as the Administration may require, due regard being paid to Regulation 38 of Chapter III.

(ii) The power available shall be adequate for a period of at least 3 hours.

(iii) These ships shall also be subject to sub-paragraphs (iii), (iv), and (v) of paragraph (a) of this Regulation.

Regulation 27

Precautions against Shock, Fire and other Hazards of Electrical Origin

(a) Passenger Ships and Cargo Ships

(i) (1) All exposed metal parts of electrical machines or equipment which are not intended to be "live", but are liable to become "live" under fault conditions, shall be earthed (grounded); and all electrical apparatus shall be so constructed and so installed that danger of injury in ordinary handling shall not exist.

(2) Metal frames of all portable electric lamps, tools and similar apparatus, supplied as ship's equipment and rated in excess of a safety voltage to be prescribed by the Administration shall be earthed (grounded) through a suitable conductor, unless equivalent provisions are made such as by double insulation or by an isolating transformer. The Administration may require additional special precautions for electric lamps, tools or similar apparatus for use in damp spaces.

(ii) Main and emergency switchboards shall be so arranged as to give easy access back and front, without danger to attendants. The sides and backs and, where necessary, the fronts of switchboards shall be suitably guarded. There shall be non-conducting mats or gratings front and rear where necessary. Exposed current carrying parts at voltages to earth (ground) exceeding a voltage to be specified by the Administration shall not be installed on the face of any switchboard or control panel.

(iii) (1) Where the hull return system of distribution is used, special precautions shall be taken to the satisfaction of the Administration.

(2) Hull return shall not be used in tankers.

(iv) (1) All metal sheaths and armour of cables shall be electrically continuous and shall be earthed (grounded).

(2) Where the cables are neither sheathed nor armoured and there might be a risk of fire in the event of an electrical fault, precautions shall be required by the Administration.

(v) Lighting fittings shall be arranged to prevent temperature rises that would be injurious to the wiring, and to prevent surrounding material from becoming excessively hot.

(vi) Wiring shall be supported in such a manner as to avoid chafing or other injury.

(vii) Each separate circuit shall be protected against short circuit. Each separate circuit shall also be protected against overload, except in accordance with Regulation 30 of this Chapter or where the Administration grants an exemption. The current-carrying capacity of each circuit shall be permanently indicated, together with the rating or setting of the appropriate overload protective device.

(viii) Accumulator batteries shall be suitably housed, and compartments used primarily for their accommodation shall be properly constructed and efficiently ventilated.

(b) Passenger Ships only

(i) Distribution systems shall be so arranged that fire in any main fire zone will not interfere with essential services in any other main fire zone. This requirement will be met if main and emergency feeders passing through any zone are separated both vertically and horizontally as widely as is practicable.

(ii) Electric cables shall be of a flame retarding type to the satisfaction of the Administration. The Administration may require additional safeguards for electric cables in particular spaces of the ship with a view to the prevention of fire or explosion.

(iii) In spaces where inflammable mixtures are liable to collect, no electrical equipment shall be installed unless it is of a type which will not ignite the mixture concerned, such as flameproof (explosion proof) equipment.

(iv) A lighting circuit in a bunker or hold shall be provided with an isolating switch outside the space.

(v) Joints in all conductors except for low voltage communication circuits shall be made only in junction or outlet boxes. All such boxes or wiring devices shall be so constructed as to prevent the spread of fire from the box or device. Where splicing is employed, it shall only be by an approved method such that it retains the original mechanical and electrical properties of the cable.

(c) Cargo Ships only

Devices liable to arc shall not be installed in any compartment assigned principally to accumulator batteries unless the devices are flameproof (explosion proof).

Regulation 28*Means of Going Astern***(a) Passenger Ships and Cargo Ships**

Ships shall have sufficient power for going astern to secure proper control of the ship in all normal circumstances.

(b) Passenger Ships only

The ability of the machinery to reverse the direction of thrust of the propeller in sufficient time, under normal manoeuvring conditions, and so to bring the ship to rest from maximum ahead service speed shall be demonstrated at the initial survey.

Regulation 29*Steering Gear***(a) Passenger Ships and Cargo Ships**

(i) Ships shall be provided with a main steering gear and an auxiliary steering gear to the satisfaction of the Administration.

(ii) The main steering gear shall be of adequate strength and sufficient to steer the ship at maximum service speed. The main steering gear and rudder stock shall be so designed that they are not damaged at maximum astern speed.

(iii) The auxiliary steering gear shall be of adequate strength and sufficient to steer the ship at navigable speed and capable of being brought speedily into action in an emergency.

(iv) The exact position of the rudder, if power operated, shall be indicated at the principal steering station.

(b) Passenger Ships only

(i) The main steering gear shall be capable of putting the rudder over from 35 degrees on one side to 35 degrees on the other side with the ship running ahead at maximum service speed. The rudder shall be capable of being put over from 35 degrees on either side to 30 degrees on the other side in 28 seconds at maximum service speed.

(ii) The auxiliary steering gear shall be operated by power in any case in which the Administration would require a rudder stock of over 9 inches (or 22.86 centimetres) diameter in way of the tiller.

(iii) Where main steering gear power units and their connections are fitted in duplicate to the satisfaction of the Administration, and each power unit enables the steering gear to meet the requirements of sub-paragraph (i) of this paragraph, no auxiliary steering gear need be required.

(iv) Where the Administration would require a rudder stock with a diameter in way of the tiller exceeding 9 inches (or 22·86 centimetres) there shall be provided an alternative steering station located to the satisfaction of the Administration. The remote steering control systems from the principal and alternative steering stations shall be so arranged to the satisfaction of the Administration that failure of either system would not result in inability to steer the ship by means of the other system.

(v) Means satisfactory to the Administration shall be provided to enable orders to be transmitted from the bridge to the alternative steering station.

(c) Cargo Ships only

(i) The auxiliary steering gear shall be operated by power in any case in which the Administration would require a rudder stock of over 14 inches (or 35·56 centimetres) diameter in way of the tiller.

(ii) Where power operated steering gear units and connections are fitted in duplicate to the satisfaction of the Administration, and each unit complies with sub-paragraph (iii) of paragraph (a) of this Regulation, no auxiliary steering gear need be required, provided that the duplicate units and connections operating together comply with sub-paragraph (ii) of paragraph (a) of this Regulation.

Regulation 30

Electric and Electrohydraulic Steering Gear

(a) Passenger Ships and Cargo Ships

Indicators for running indication of the motors of electric and electrohydraulic steering gear shall be installed in a suitable location to the satisfaction of the Administration.

(b) All Passenger Ships (irrespective of tonnage) and Cargo Ships of 5,000 Tons Gross Tonnage and upwards

(i) Electric and electrohydraulic steering gear shall be served by two circuits fed from the main switchboard. One of the circuits may pass through the emergency switchboard, if provided. Each circuit shall have adequate capacity for supplying all the motors which are normally connected to it and which operate simultaneously. If transfer arrangements are provided in the steering gear room to permit either circuit to supply any motor or combination of motors, the capacity of each circuit shall be adequate for the most severe load condition. The circuits shall be separated throughout their length as widely as is practicable.

(ii) Short circuit protection only shall be provided for these circuits and motors.

(c) Cargo Ships of less than 5,000 Tons Gross Tonnage

(i) Cargo ships in which electrical power is the sole source of power for both main and auxiliary steering gear shall comply with sub-paragraphs (i) and (ii) of paragraph (b) of this Regulation, except that if the auxiliary steering gear is powered by a motor primarily intended for other services, paragraph (b) (ii) may be waived, provided that the Administration is satisfied with the protection arrangements.

(ii) Short circuit protection only shall be provided for motors and power circuits of electrically or electrohydraulically operated main steering gear.

Regulation 31

Oil Fuel used in Passenger Ships

No internal combustion engine shall be used for any fixed installation in a passenger ship if its fuel has a flash point of 110°F. (or 43°C.) or less.

Regulation 32

Location of Emergency Installations in Passenger Ships

The emergency source of electrical power, emergency fire pumps, emergency bilge pumps, batteries of carbon dioxide bottles for fire extinguishing purposes and other emergency installations which are essential for the safety of the ship shall not be installed in a passenger ship forward of the collision bulkhead.

Regulation 33

Communication between Bridge and Engine Room

Ships shall be fitted with two means of communicating orders from the bridge to the engine room. One means shall be an engine room telegraph.

PART D.—FIRE PROTECTION

(In Part D, Regulations 34 to 52 apply to passenger ships carrying more than 36 passengers; Regulations 35 and 53 apply to passenger ships carrying not more than 36 passengers; Regulations 35 and 54 apply to cargo ships of 4,000 tons gross tonnage and upwards.)

Regulation 34*General*

(a) The purpose of this Part is to require the fullest practicable degree of protection from fire by regulation of the details of arrangement and construction. The three basic principles underlying these regulations are:

- (i) separation of the accommodation spaces from the remainder of the ship by thermal and structural boundaries;
- (ii) containment, extinction, or detection of any fire in the space of origin;
- (iii) protection of means of escape.

(b) The hull, superstructure and deck houses shall be divided into main vertical zones by "A" Class bulkheads (as described in paragraph (c) of Regulation 35 of this Chapter) and further divided by similar bulkheads forming the boundaries protecting spaces which provide vertical access and the boundaries separating the accommodation spaces from the machinery, cargo and service spaces and others. In addition, and supplementary to the patrol systems, alarm systems and fire extinguishing apparatus required by Part E of this Chapter, either of the following methods of protection, or a combination of these methods to the satisfaction of the Administration, shall be adopted in accommodation and service spaces with a view to preventing the spread of incipient fires from the spaces of their origin:—

Method I.—The construction of internal divisional bulkheading of "B" Class divisions (as defined in paragraph (d) of Regulation 35 of this Chapter) generally without the installation of a detection or sprinkler system in the accommodation and service spaces; or

Method II.—The fitting of an automatic sprinkler and fire alarm system for the detection and extinction of fire in all spaces in which a fire might be expected to originate, generally with no restriction on the type of internal divisional bulkheading in spaces so protected; or

Method III.—A system of subdivision within each main vertical zone using "A" and "B" Class divisions distributed according to the importance, size and nature of the various compartments, with an automatic fire detection system in all spaces in which a fire might be expected to originate, and with restricted use of combustible and highly inflammable materials and furnishings; but generally without the installation of a sprinkler system.

Where appropriate, the headings or sub-headings of the Regulations of this Part of this Chapter indicate under which Method or Methods the Regulation is a requirement.

Regulation 35*Definitions*

Wherever the phrases defined below occur throughout this Part of this Chapter, they shall be interpreted in accordance with the following definitions:—

(a) *Incombustible Material* means a material which neither burns nor gives off inflammable vapours in sufficient quantity to ignite at a pilot flame when heated to approximately 1,382°F. (or 750° C.). Any other material is a “Combustible Material”.

(b) A *Standard Fire Test* is one in which specimens of the relevant bulkheads or decks, having a surface of approximately 50 square feet (or 4.65 square metres) and height of 8 feet (or 2.44 metres) resembling as closely as possible the intended construction and including where appropriate at least one joint, are exposed in a test furnace to a series of time temperature relationships, approximately as follows:—

at the end of the first 5 minutes—	1,000°F. (or 538°C.)
“ “ “ “ “ “ 10 “	1,300°F. (or 704°C.)
“ “ “ “ “ “ 30 “	1,550°F. (or 843°C.)
“ “ “ “ “ “ 60 “	1,700°F. (or 927°C.)

(c) “*A*” *Class or Fire-resisting Divisions* are those divisions formed by bulkheads and decks which comply with the following:—

- (i) they shall be constructed of steel or other equivalent material;
- (ii) they shall be suitably stiffened;
- (iii) they shall be so constructed as to be capable of preventing the passage of smoke and flame up to the end of the one-hour standard fire test;
- (iv) they shall have an insulating value to the satisfaction of the Administration, having regard to the nature of the adjacent spaces. In general, where such bulkheads and decks are required to form fire-resisting divisions between spaces either of which contains adjacent woodwork, wood lining, or other combustible material, they shall be so insulated that, if either face is exposed to the standard fire test for one hour, the average temperature on the unexposed face will not increase at any time during the test by more than 250°F. (or 139°C.) above the initial temperature nor shall the temperature at any point on the face, including any joint, rise more than 325°F. (or 180°C.) above the initial temperature. Reduced amounts of insulation or none at all may be provided where in the opinion of the Administration a reduced fire hazard is present. The Administration may require a test of an assembled prototype bulkhead or deck to ensure that it

meets the above requirements for integrity and temperature rise.

- (d) "*B*" Class or *Fire-retarding Divisions* are those divisions formed by bulkheads which are so constructed that they will be capable of preventing the passage of flame up to the end of the first one-half hour of the standard fire test. In addition they shall have an insulating value to the satisfaction of the Administration, having regard to the nature of the adjacent spaces. In general, where such bulkheads are required to form fire-retarding divisions between spaces, they shall be of such material that, if either face is exposed for the first one-half hour period of the standard fire test, the average temperature on the unexposed face will not increase at any time during the test by more than 250°F. (or 139°C.) above the initial temperature, nor shall the temperature at any point on the face including any joint rise more than 405°F. (or 225°C.) above the initial temperature. For panels which are of incombustible materials it will only be necessary to comply with the above temperature rise limitation during the first 15-minute period of the standard fire test, but the test shall be continued to the end of the one-half hour to test the panel's integrity in the usual manner. All materials entering into the construction and erection of incombustible "*B*" Class divisions shall themselves be of incombustible material. Reduced amounts of insulation or none at all may be provided where in the opinion of the Administration a reduced fire hazard is present. The Administration may require a test of an assembled prototype bulkhead to ensure that it meets the above requirements for integrity and temperature rise.
- (e) *Main Vertical Zones* are those sections into which the hull, superstructure, and deck houses are divided by "*A*" Class divisions, the mean length of which on any one deck does not, in general, exceed 131 feet (or 40 metres).
- (f) *Control Stations* are those spaces in which radio, main navigating or central fire-recording equipment or the emergency generator is located.
- (g) *Accommodation Spaces* are those used for public spaces, corridors, lavatories, cabins, offices, crew quarters, barber shops, isolated pantries and lockers and similar spaces.

- (h) *Public Spaces* are those portions of the accommodation which are used for halls, dining rooms, lounges and similar permanently enclosed spaces.
- (i) *Service Spaces* are those used for galleys, main pantries, stores (except isolated pantries and lockers), mail and specie rooms and similar spaces and trunks to such spaces.
- (j) *Cargo Spaces* are all spaces used for cargo (including cargo oil tanks) and trunks to such spaces.
- (k) *Machinery Spaces* include all spaces used for propelling, auxiliary or refrigerating machinery, boilers, pumps, workshops, generators, ventilation and air conditioning machinery, oil filling stations and similar spaces and trunks to such spaces.
- (l) *Steel or Other Equivalent Material*.—Where the words “steel or other equivalent material” occur, “equivalent material” means any material which, by itself or due to insulation provided, has structural and integrity properties equivalent to steel at the end of the applicable fire exposure (e.g., aluminium with appropriate insulation).
- (m) *Low flame spread* means that the surface thus described will adequately restrict the spread of flame having regard to the risk of fire in the spaces concerned, this being determined to the satisfaction of the Administration by a suitably established test procedure.

Regulation 36

Structure (Methods I, II and III)

(a) Method I

The hull, superstructure, structural bulkheads, decks and deckhouses shall be constructed of steel or other equivalent material.

(b) Method II

(i) The hull, superstructure, structural bulkheads, decks and deckhouses shall be constructed of steel or other equivalent material.

(ii) Where fire protection in accordance with Method II is employed, the superstructure may be constructed of, for example, aluminium alloy, provided that:—

- (1) the temperature rise of the metallic cores of the “A” Class divisions, when exposed to the standard fire test, shall have regard to the mechanical properties of the material;
- (2) an automatic sprinkler system complying with paragraph (g) of Regulation 59 of this Chapter is installed;

- (3) adequate provision is made to ensure that in the event of fire, arrangements for stowage, launching and embarkation into survival craft remain as effective as if the superstructure were constructed of steel;
- (4) crowns and casings of boiler and machinery spaces are of steel construction adequately insulated, and the openings therein, if any, are suitably arranged and protected to prevent spread of fire.

(c) Method III

(i) The hull, superstructure, structural bulkheads, decks and deckhouses shall be constructed of steel or other equivalent material.

(ii) Where fire protection in accordance with Method III is employed, the superstructure may be constructed of, for example, aluminium alloy, provided that:—

- (1) the temperature rise of the metallic cores of the “A” Class divisions, when exposed to the standard fire test, shall have regard to the mechanical properties of the material;
- (2) the Administration shall be satisfied that the amount of combustible materials used in the relevant part of the ship is suitably reduced. Ceilings (*i.e.*, linings of deck heads) shall be incombustible;
- (3) adequate provision is made to ensure that in the event of fire, arrangements for stowage, launching and embarkation into survival craft remain as effective as if the superstructure were constructed of steel;
- (4) crowns and casings of boiler and machinery spaces are of steel construction adequately insulated, and the openings therein, if any, are suitably arranged and protected to prevent spread of fire.

Regulation 37

Main Vertical Zones (Methods I, II and III)

(a) The hull, superstructure and deckhouses shall be subdivided into main vertical zones. Steps and recesses shall be kept to a minimum, but where they are necessary, they shall be of “A” Class divisions.

(b) As far as practicable, the bulkheads forming the boundaries of the main vertical zones above the bulkhead deck shall be in line with watertight subdivision bulkheads situated immediately below the bulkhead deck.

(c) Such bulkheads shall extend from deck to deck and to the shell or other boundaries.

(d) On ships designed for special purposes, such as automobile or railroad car ferries, where installation of such bulkheads would defeat the purpose for which the ship is intended, equivalent means for controlling and limiting a fire shall be substituted and specifically approved by the Administration.

Regulation 38*Openings in "A" Class Divisions (Methods I, II and III)*

(a) Where "A" Class divisions are pierced for the passage of electric cables, pipes, trunks, ducts, &c. for girders, beams or other structures, arrangements shall be made to ensure that the fire resistance is not impaired.

(b) Dampers are to be fitted in ventilation trunks and ducts passing through main vertical zone bulkheads, and shall be fitted with suitable local control capable of being operated from both sides of the bulkhead. The operating positions shall be readily accessible and marked in red. Indicators shall be fitted to show whether the dampers are open or shut.

(c) Except for tonnage openings and for hatches between cargo, store, and baggage spaces, and between such spaces and the weather decks, all openings shall be provided with permanently attached means of closing which shall be at least as effective for resisting fires as the divisions in which they are fitted. Where "A" Class divisions are pierced by tonnage openings the means of closure shall be by steel plates.

(d) The construction of all doors and door frames in "A" Class divisions, with the means of securing them when closed, shall provide resistance to fire as well as to the passage of smoke and flame as far as practicable equivalent to that of the bulkheads in which the doors are situated. Watertight doors need not be insulated.

(e) It shall be possible for each door to be opened from either side of the bulkhead by one person only. Fire doors in main vertical zone bulkheads other than watertight doors shall be of the self-closing type with simple and easy means of release from the open position. These doors shall be of approved types and designs, and the self-closing mechanism shall be capable of closing the door against an inclination of $3\frac{1}{2}$ degrees opposing closure.

Regulation 39*Bulkheads within Main Vertical Zones (Methods I and III)***(a) Method I**

(i) Within the accommodation spaces, all enclosure bulkheads, other than those required to be of "A" Class divisions, shall be constructed of "B" Class divisions of incombustible materials, which may, however, be faced with combustible materials in accordance with Regulation 48 of this

Chapter. All doorways and similar openings shall have a method of closure consistent with the type of bulkhead in which they are situated.

(ii) All corridor bulkheads shall extend from deck to deck. Ventilation openings may be permitted in the doors in "B" Class bulkheads, preferably in the lower portion. All other enclosure bulkheads shall extend from deck to deck vertically, and to the shell or other boundaries transversely, unless incombustible ceilings or linings such as will ensure fire integrity are fitted, in which case the bulkheads may terminate at the ceilings or linings.

(b) Method III

(i) Within the accommodation spaces, enclosure bulkheads other than those required to be of "A" Class divisions shall be constructed of "B" Class divisions, and shall be of incombustible materials which may, however, be faced with combustible materials in accordance with Regulation 48 of this Chapter. These bulkheads shall form a continuous network of fire-retarding bulkheads within which the area of any one compartment shall not in general exceed 1,300 square feet (or 120 square metres) with a maximum of 1,600 square feet (or 150 square metres); they shall extend from deck to deck. All doorways and similar openings shall have a method of closure consistent with the type of bulkhead in which they are situated.

(ii) Each public space larger than 1,600 square feet (or 150 square metres) shall be surrounded by "B" Class divisions of incombustible materials.

(iii) The insulation of "A" Class and "B" Class divisions, except those constituting the separation of the main vertical zones, the control stations, the stairway enclosures, and the corridors, may be omitted when the divisions constitute the outside part of the ship or when the adjoining compartment does not contain fire hazard.

(iv) All corridor bulkheads shall be of "B" Class divisions and shall extend from deck to deck. Ceilings, if fitted, shall be of incombustible materials. Ventilation openings may be permitted in doors, preferably in the lower portion. All other partition bulkheads shall also extend from deck to deck vertically and to the shell or other boundaries transversely, unless incombustible ceilings or linings are fitted, in which case the bulkheads may terminate at the ceilings or linings.

(v) "B" Class divisions other than those required to be of the incombustible type shall have incombustible cores or be of an assembled type having internal layers of sheet asbestos or similar incombustible material. The Administration may, however, approve other materials without incombustible cores, provided that equivalent fire-retarding properties are ensured.

Regulation 40*Separation of Accommodation Spaces from Machinery, Cargo and Service Spaces (Methods I, II and III)*

The boundary bulkheads and decks separating accommodation spaces from machinery, cargo and service spaces shall be constructed as "A" Class divisions, and these bulkheads and decks shall have an insulation value to the satisfaction of the Administration having regard to the nature of the adjacent spaces.

Regulation 41*Deck Coverings (Methods I, II and III)*

Primary deck coverings within accommodation spaces, control stations, stairways and corridors shall be of approved material which will not readily ignite.

Regulation 42*Protection of Stairways in Accommodation and Service Spaces (Methods I, II and III)**(a) Methods I and III*

(i) All stairways shall be of steel frame construction, except where the Administration sanctions the use of other equivalent material, and shall be within enclosures formed of "A" Class divisions, with positive means of closure at all openings from the lowest accommodation deck at least to a level which is directly accessible to the open deck, except that:—

- (1) a stairway connecting only two decks need not be enclosed, provided the integrity of the deck is maintained by proper bulkheads or doors at one level;
- (2) stairways may be fitted in the open in a public space, provided they lie wholly within such public space.

(ii) Stairway enclosures shall have direct communication with the corridors and be of sufficient area to prevent congestion having in view the number of persons likely to use them in an emergency, and shall contain as little accommodation or other enclosed space in which a fire may originate as practicable.

(iii) Stairway enclosure bulkheads shall have an insulation value to the satisfaction of the Administration, having regard to the nature of the adjacent spaces. The means for closure at openings in stairway enclosures shall be at least as effective for resisting fire as the bulkheads in which they are fitted. Doors other than watertight doors shall be of the self-closing type, as required for the main vertical zone bulkheads, in accordance with Regulation 38 of this Chapter.

(b) Method II

(i) Main stairways shall be of steel frame construction, except where the Administration sanctions the use of other suitable materials which, together with such supplementary fire protection and/or extinction arrangements as would, in the opinion of the Administration, be equivalent to such construction, and shall be within enclosures formed of "A" Class divisions with positive means of closure at all openings from the lowest accommodation deck at least to a level which is directly accessible to the open deck except that:—

(1) a stairway connecting only two decks need not be enclosed, provided the integrity of the deck is maintained by proper bulkheads or doors at one level;

(2) stairways may be fitted in the open in a public space, provided they lie wholly within such public space.

(ii) Stairway enclosures shall have direct communication with the corridors and be of sufficient area to prevent congestion having in view the number of persons likely to use them in an emergency, and shall contain as little accommodation or other enclosed space in which a fire may originate as practicable.

(iii) Stairway enclosure bulkheads shall have an insulation value to the satisfaction of the Administration having regard to the nature of the adjacent spaces. The means for closure at openings in stairway enclosures shall be at least as effective for resisting fire as the bulkheads in which they are fitted. Doors other than watertight doors shall be of the self-closing type as required for the main vertical zone bulkheads, in accordance with Regulation 38 of this Chapter.

(iv) Auxiliary stairways, namely those which do not form part of the means of escape required by Regulation 68 of this Chapter and which connect only two decks, shall be of steel frame construction, except where the Administration sanctions the use of other suitable material in special cases, but need not be within enclosures, provided the integrity of the deck is maintained by the fitting of sprinklers at the auxiliary stairways.

Regulation 43

Protection of Lifts (Passenger and Service), Vertical Trunks for Light and Air, &c., in Accommodation and Service Spaces (Methods I, II and III)

(a) Passenger and service lift trunks, vertical trunks for light and air to passenger spaces, &c., shall be of "A" Class divisions. Doors shall be of steel or other equivalent material and when closed shall provide fire-resistance at least as effective as the trunks in which they are fitted.

(b) Lift trunks shall be so fitted as to prevent the passage of smoke and flame from one between deck to another and shall be provided with means of closing so as to permit of draught and smoke control. The insulation of lift trunks which are within stairway enclosures shall not be compulsory.

(c) Where a trunk for light and air communicates with more than one between deck space, and, in the opinion of the Administration, smoke and flame are likely to be conducted from one between deck to another, smoke shutters, suitably placed, shall be fitted so that each space can be isolated in case of fire.

(d) Any other trunks (e.g., for electric cables) shall be so constructed as not to afford passage for fire from one between deck or compartment to another.

Regulation 44

Protection of Control Stations (Methods I, II and III)

Control stations shall be separated from the remainder of the ship by "A" Class bulkheads and decks.

Regulation 45

Protection of Store Rooms, &c. (Methods I, II and III)

The boundary bulkheads of baggage rooms, mail rooms, store rooms, paint and lamp lockers, galleys and similar spaces shall be of "A" Class divisions. Spaces containing highly inflammable stores shall be so situated as to minimise the danger to passengers or crew in the event of fire.

Regulation 46

Windows and Sidescuttles (Methods I, II and III)

(a) All windows and sidescuttles in bulkheads separating accommodation spaces and weather shall be constructed with frames of steel or other suitable material. The glass shall be retained by a metal glazing bead.

(b) All windows and sidescuttles in bulkheads within accommodation spaces shall be constructed so as to preserve the integrity requirements of the type of bulkhead in which they are fitted.

(c) In spaces containing (1) main propulsion machinery, or (2) oil-fired boilers, or (3) auxiliary internal combustion type machinery of total horsepower of 1.000 or over, the following measures shall be taken:—

- (i) skylights shall be capable of being closed from outside the space;
- (ii) skylights containing glass panels shall be fitted with external shutters of steel or other equivalent material permanently attached;
- (iii) any window permitted by the Administration in casings of such spaces shall be of the non-opening type, and shall be fitted with an external shutter of steel or other equivalent material permanently attached;
- (iv) in the windows and skylights referred to in sub-paragraphs (i), (ii) and (iii) of this paragraph, wire reinforced glass shall be used.

Regulation 47

Ventilation Systems (Methods I, II and III)

(a) The main inlets and outlets of all ventilation systems shall be capable of being closed from outside the space in the event of a fire. In general, the ventilation fans shall be so disposed that the ducts reaching the various spaces remain within the main vertical zone.

(b) All power ventilation, except cargo and machinery space ventilation and any alternative system which may be required under paragraph (d) of this Regulation, shall be fitted with master controls so that all fans may be stopped from either of two separate positions which shall be situated as far apart as practicable. Two master controls shall be provided for the power ventilation serving machinery spaces, one of which shall be operable from a position outside the machinery space.

(c) Efficient insulation shall be provided for exhaust ducts from galley ranges where the ducts pass through accommodation spaces.

(d) Such measures as are practicable shall be taken in respect of control stations situated below deck and outside machinery spaces in order to ensure that ventilation, visibility and freedom from smoke are maintained, so that in the event of fire the machinery and equipment contained therein may be supervised and continue to function effectively. Alternative and entirely separate means of air supply shall be provided for these control stations; air inlets to the two sources of supply shall be so disposed that the risk of both

inlets drawing in smoke simultaneously is minimised. At the discretion of the Administration, such requirements need not apply to spaces situated on, and opening on to, an open deck, or where local closing arrangements would be equally effective.

Regulation 48

Details of Construction (Methods I and III)

(a) Method I

Except in cargo spaces, mail rooms, baggage rooms, or refrigerated compartments of service spaces, all linings, grounds, ceilings and insulations shall be of incombustible materials. The total volume of combustible facings, mouldings, decorations and veneers in any accommodation or public space shall not exceed a volume equivalent to one-tenth inch (or 2.54 millimetres) veneer on the combined area of the walls and ceiling. All exposed surfaces in corridors or stairway enclosures and in concealed or inaccessible spaces shall have low flame spread characteristics.

(b) Method III

The use of combustible materials of all kinds such as untreated wood, veneers, ceilings, curtains, carpets, &c. shall be reduced in so far as it is reasonable and practicable. In large public spaces, the grounds and supports to the linings and ceilings shall be of steel or equivalent material. All exposed surfaces in corridors or stairway enclosures and in concealed or inaccessible spaces shall have low flame spread characteristics.

Regulation 49

Miscellaneous Items (Methods I, II and III)

Requirements applicable to all parts of the ship

(a) Paints, varnishes and similar preparations having a nitro-cellulose or other highly inflammable base shall not be used.

(b) Pipes penetrating "A" or "B" Class divisions shall be of a material approved by the Administration having regard to the temperature such divisions are required to withstand. Pipes conveying oil or combustible liquids shall be of a material approved by the Administration having regard to the fire risk. Materials readily rendered ineffective by heat shall not be used for overhead scuppers, sanitary discharges, and other outlets which are close to the water line and where the failure of the material in the event of fire would give rise to danger of flooding.

Requirements applicable to accommodation and service spaces

(c) (i) Air spaces enclosed behind ceilings, panellings or linings shall be suitably divided by close-fitting draught stops not more than 45 feet (or 13.73 metres) apart.

(ii) In the vertical direction, such spaces, including those behind linings of stairways, trunks, &c., shall be closed at each deck.

(d) The construction of ceiling and bulkheading shall be such that it will be possible, without impairing the efficiency of the fire protection, for the fire patrols to detect any smoke originating in concealed and inaccessible places, except where in the opinion of the Administration there is no risk of fire originating in such places.

(e) The concealed surfaces of all bulkheads, linings, panellings, stairways, wood grounds, &c., in accommodation spaces shall have low flame spread characteristics.

(f) Electric radiators, if used, must be fixed in position and so constructed as to reduce fire risks to a minimum. No such radiators shall be fitted with an element so exposed that clothing, curtains, or other similar materials can be scorched or set on fire by heat from the element.

Regulation 50*Cinematograph Film (Methods I, II and III)*

Cellulose-based film shall not be used in cinematograph installations on board ship.

Regulation 51*Automatic Sprinkler and Fire Alarm and Detection Systems (Method II)*

In ships in which Method II is adopted, an automatic sprinkler and fire alarm system of an approved type and complying with the requirements of Regulation 59 of this Chapter shall be installed and so arranged as to protect all enclosed spaces appropriated to the use or service of passengers or crew, except spaces which afford no substantial fire risk.

Regulation 52*Automatic Fire Alarm and Fire Detection Systems (Method III)*

In ships in which Method III is adopted, a fire-detecting system of an approved type shall be installed and so arranged as to detect the presence of fire in all enclosed spaces appropriated to the use or service of passengers

or crew (except spaces which afford no substantial fire hazard) and automatically to indicate at one or more points or stations where it can be most quickly observed by officers and crew, the presence or indication of fire and also its location.

Regulation 53

Passenger Ships carrying not more than 36 Passengers

(a) In addition to being subject to the provisions of Regulation 35 of this Chapter, ships carrying not more than 36 passengers shall comply with Regulations 36, 37, 38, 40, 41, 43 (a), 44, 45, 46, 49 (a), (b) and (f) and 50 of this Chapter. Where insulated "A" Class divisions are required under the aforementioned Regulations, the Administration may agree to a reduction of the amount of insulation below that envisaged by sub-paragraph (c) (iv) of Regulation 35 of this Chapter.

(b) In addition to compliance with the Regulations referred to in paragraph (a), the following provisions shall apply:—

- (i) all stairways and means of escape in accommodation and service spaces shall be of steel or other suitable material;
- (ii) power ventilation of machinery spaces shall be capable of being stopped from an easily accessible position outside the machinery spaces;
- (iii) except where all enclosure bulkheads in accommodation spaces conform with the requirements of Regulations 39 (a) and 48 (a) of this Chapter, such ships shall be provided with an automatic fire detection system conforming with Regulation 52 of this Chapter and in accommodation spaces, the corridor bulkheads shall be of steel or be constructed of "B" Class panels.

Regulation 54

Cargo Ships of 4,000 tons Gross Tonnage and Upwards

(a) The hull, superstructure, structural bulkheads, decks and deck houses shall be constructed of steel, except where the Administration may sanction the use of other suitable material in special cases, having in mind the risk of fire.

(b) In accommodation spaces, the corridor bulkheads shall be of steel or be constructed of "B" Class panels.

(c) Deck coverings within accommodation spaces on the decks forming the crown of machinery and cargo spaces shall be of a type which will not readily ignite.

(d) Interior stairways below the weather deck shall be of steel or other suitable material. Crew lift trunks within accommodation shall be of steel or equivalent material.

(e) Bulkheads of galleys, paint stores, lamprooms, boatswain's stores when adjacent to accommodation spaces and emergency generator rooms if any, shall be of steel or equivalent material.

(f) In accommodation and machinery spaces, paints, varnishes and similar preparations having a nitro-cellulose or other highly inflammable base shall not be used.

(g) Pipes conveying oil or combustible liquids shall be of a material approved by the Administration having regard to the fire risk. Materials readily rendered ineffective by heat shall not be used for overboard scuppers, sanitary discharges, and other outlets which are close to the water line and where the failure of the material in the event of fire would give rise to danger of flooding.

(h) Electric radiators, if used, must be fixed in position and so constructed as to reduce fire risks to a minimum. No such radiators shall be fitted with an element so exposed that clothing, curtains or other similar materials can be scorched or set on fire by heat from the element.

(i) Cellulose-based film shall not be used in cinematograph installations on board ship.

(j) Power ventilation of machinery spaces shall be capable of being stopped from an easily accessible position outside the machinery spaces.

PART E.—FIRE DETECTION AND EXTINCTION IN PASSENGER SHIPS AND CARGO SHIPS

(Part E applies to passenger ships and cargo ships except that Regulations 59 and 64 apply only to passenger ships and Regulation 65 applies only to cargo ships.)

NOTE.—*Regulations 56 to 63 inclusive set forth the conditions with which the appliances mentioned in Regulations 64 and 65 are required to comply.*

Regulation 55

Definitions

In this Part of this Chapter, unless expressly provided otherwise:—

(a) *The length of the ship* is the length measured between perpendiculars.

(b) *Required* means required by this Part of this Chapter.

Regulation 56*Pumps, Water Service Pipes, Hydrants and Hoses***(a) Total Capacity of Fire Pumps**

(i) In a passenger ship, the required fire pumps shall be capable of delivering for fire fighting purposes a quantity of water, at the appropriate pressure prescribed below, not less than two-thirds of the quantity required to be dealt with by the bilge pumps when employed for bilge pumping.

(ii) In a cargo ship, the required fire pumps, other than the emergency pump (if any), shall be capable of delivering for firefighting purposes a quantity of water, at the appropriate pressure prescribed, not less than four-thirds of the quantity required under Regulation 18 of this Chapter to be dealt with by each of the independent bilge pumps in a passenger ship of the same dimensions, when employed on bilge pumping. In place of the definitions covering L, B and D referred to in paragraph (i) of Regulation 18 of this Chapter, the following shall apply:—

L=length between perpendiculars.

B=greatest moulded breadth.

D=depth to bulkhead deck amidships.

Provided that in no cargo ship need the total required capacity of the fire pumps exceed 180 tons per hour.

(b) Fire Pumps

(i) The fire pumps shall be independently driven. Sanitary, ballast, bilge or general service pumps may be accepted as fire pumps, provided that they are not normally used for pumping oil and that if they are subject to occasional duty for the transfer or pumping of fuel oil, suitable change-over arrangements are fitted.

(ii) Each of the required fire pumps (other than any emergency pump required by Regulation 65 of this Chapter) shall have a capacity not less than 80 per cent. of the total required capacity divided by the number of required fire pumps—and shall in any event be capable of delivering at least the two required jets of water. These fire pumps shall be capable of supplying the fire main system under the required conditions.

Where more pumps than required are installed their capacity shall be to the satisfaction of the Administration.

(iii) Relief valves shall be provided in conjunction with all fire pumps if the pumps are capable of developing a pressure exceeding the design pressure of the water service pipes, hydrants and hoses. These valves shall be so placed and adjusted as to prevent excessive pressure in any part of the fire main system.

(c) Pressure in the Fire Main

(i) The diameter of the fire main and water service pipes shall be sufficient for the effective distribution of the maximum required discharge from two fire pumps operating simultaneously, except that in the case of cargo ships the diameter need only be sufficient for the discharge of 140 tons per hour.

(ii) With the two pumps simultaneously delivering through nozzles specified in paragraph (g) of this Regulation, the quantity of water specified in subparagraph (i) of this paragraph, through any adjacent hydrants, the following minimum pressures shall be maintained at all hydrants:—

Passenger ships

4,000 tons gross tonnage and upwards	45 pounds per square inch (or 3.2 kilogrammes per square centimetre)
1,000 tons gross tonnage and upwards, but under 4,000 tons gross tonnage	40 pounds per square inch (or 2.8 kilogrammes per square centimetre)
Under 1,000 tons gross tonnage	To the satisfaction of the Administration

Cargo ships

6,000 tons gross tonnage and upwards	40 pounds per square inch (or 2.8 kilogrammes per square centimetre)
1,000 tons gross tonnage and upwards, but under 6,000 tons gross tonnage	37 pounds per square inch (or 2.6 kilogrammes per square centimetre)
Under 1,000 tons gross tonnage	To the satisfaction of the Administration

(d) Number and Position of Hydrants

The number and position of the hydrants shall be such that at least two jets of water not emanating from the same hydrant, one of which shall be from a single length of hose, may reach any part of the ship normally accessible to the passengers or crew while the ship is being navigated.

(e) Pipes and Hydrants

(i) Materials readily rendered ineffective by heat shall not be used for fire mains unless adequately protected. The pipes and hydrants shall be so placed that the fire hoses may be easily coupled to them. In ships where deck cargo may be carried, the positions of the hydrants shall be such that they are always readily accessible and the pipes shall be arranged as far as practicable to avoid risk of damage by such cargo. Unless there is provided one hose and nozzle for each hydrant in the ship there shall be complete interchangeability of hose couplings and nozzles.

(ii) Cocks or valves shall be fitted in such positions on the pipes that any of the fire hoses may be removed while the fire pumps are at work.

(f) Fire Hoses

Fire hoses shall be of material approved by the Administration and sufficient in length to project a jet of water to any of the spaces in which they may be required to be used. Their maximum length shall be to the satisfaction of the Administration. Each hose shall be provided with a nozzle and the necessary couplings. Hoses specified in these Regulations as "fire hoses" shall together with any necessary fittings and tools be kept ready for use in conspicuous positions near the water service hydrants or connections.

(g) Nozzles

(i) For the purposes of this Part, standard nozzle sizes shall be $\frac{1}{2}$ inch (or 12 millimetres), $\frac{3}{8}$ inch (or 16 millimetres) and $\frac{3}{4}$ inch (or 20 millimetres), or as near thereto as possible. Larger diameter nozzles may be permitted subject to compliance with sub-paragraph (b) (ii) of this Regulation.

(ii) For accommodation and service spaces, a nozzle size greater than $\frac{1}{2}$ inch (or 12 millimetres) need not be used.

(iii) For machinery spaces and exterior locations, the nozzle size shall be such as to obtain the maximum discharge possible from two jets at the pressure mentioned in paragraph (c) of this Regulation from the smallest pump.

(h) International Shore Connection

The international shore connection required by paragraph (d) of Regulation 64 and paragraph (d) of Regulation 65 of this Chapter to be installed in the ship shall be in accordance with the following specification and the appended sketch.

Outside diameter: 7 inches (or 178 millimetres).

Inner diameter: $2\frac{1}{2}$ inches (or 64 millimetres).

Bolt circle diameter: $5\frac{1}{4}$ inches (or 132 millimetres).

Holes: 4 holes of $\frac{3}{4}$ inch (or 19 millimetres) diameter equidistantly placed, slotted to the flange periphery.

Flange thickness: $\frac{9}{16}$ inch (or 14.5 millimetres) minimum.

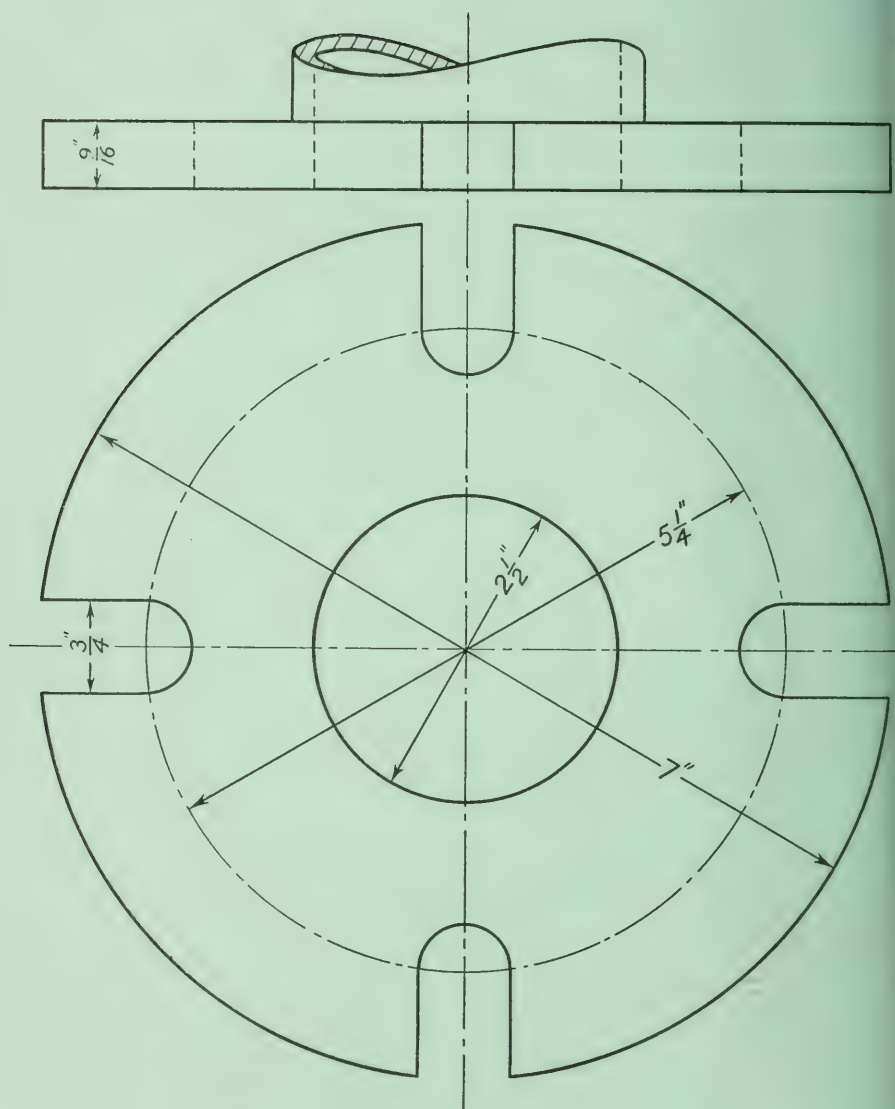
Bolts: 4, each of $\frac{5}{8}$ inch (or 16 millimetres) diameter, 2 inches (or 50 millimetres) in length.

Flange surface: flat face.

Material: any suited to 150 pounds per square inch (or 10.5 kilogrammes per square centimetre) service.

Gasket: any suited to 150 pounds per square inch (or 10.5 kilogrammes per square centimetre) service.

The connection shall be constructed of material suitable for 150 pounds per square inch (or 10.5 kilogrammes per square centimetre) service. The flange shall have a flat face on one side, and to the other shall have permanently attached thereto a coupling that will fit the ship's hydrants and hose. The connection shall be kept aboard the ship together with a gasket of any material suitable for 150 pounds per square inch (or 10.5 kilogrammes per square centimetre) service, together with four $\frac{5}{8}$ inch (or 16 millimetres) bolts, 2 inches (or 50 millimetres) in length and eight washers.

International Shore Connection (Ship)

Regulation 57*Fire Extinguishers (Portable and Non-Portable)*

(a) All fire extinguishers shall be of approved types and designs.

(i) The capacity of required portable fluid extinguishers shall be not more than 3 gallons (or $13\frac{1}{2}$ litres) and not less than 2 gallons (or 9 litres). Other extinguishers shall not be in excess of the equivalent portability of the 3 gallon (or $13\frac{1}{2}$ litres) fluid extinguisher and shall not be less than the fire extinguishing equivalent of a 2 gallon (or 9 litres) fluid extinguisher.

(ii) The Administration shall determine the equivalents of fire extinguishers.

(b) Spare charges shall be provided in accordance with requirements to be specified by the Administration.

(c) Fire extinguishers containing an extinguishing medium which either itself or when in use gives off gases harmful to persons shall not be permitted. For radio rooms and switchboards extinguishers containing not more than 1 quart (1.136 litres) of carbon tetrachloride or similar media may be permitted at the discretion of the Administration subject to such extinguishers being additional to any required by this Part of this Chapter.

(d) Fire extinguishers shall be periodically examined and subjected to such tests as the Administration may require.

(e) One of the portable fire extinguishers intended for use in any space shall be stowed near the entrance to that space.

Regulation 58*Fire smothering Gas or Steam for Machinery and Cargo Spaces*

(a) Where provision is made for the injection of gas or steam into machinery or cargo spaces for fire extinguishing purposes, the necessary pipes for conveying the gas or steam shall be provided with control valves or cocks which shall be so placed that they will be easily accessible and not readily cut off from use by an outbreak of fire. These control valves or cocks shall be so marked as to indicate clearly the compartments to which the pipes are led. Suitable provision shall be made to prevent inadvertent admission of the gas or steam to any compartment. Where cargo spaces fitted with smothering for fire protection are used as passenger spaces the smothering connection shall be blanked during service as a passenger space.

(b) The piping shall be arranged so as to provide effective distribution of fire smothering gas or steam. Where steam is used in large holds there shall

be at least two pipes, one of which shall be fitted in the forward part and one in the after part; the pipes shall be led well down in the space as remote as possible from the shell.

(c) (i) When carbon dioxide is used as the extinguishing medium in cargo spaces, the quantity of gas available shall be sufficient to give a minimum volume of free gas equal to 30 per cent. of the gross volume of the largest cargo compartment in the ship which is capable of being sealed.

(ii) When carbon dioxide is used as an extinguishing medium for spaces containing boilers or internal combustion type machinery, the quantity of gas carried shall be sufficient to give a minimum quantity of free gas equal to the larger of the following quantities, either

(1) 40 per cent. of the gross volume of the largest space, the volume to include the casing up to the level at which the horizontal area of the casing is 40 per cent. or less of that of the space concerned; or

(2) 35 per cent. of the entire volume of the largest space including the casing;

provided that the above mentioned percentages may be reduced to 35 per cent. and 30 per cent. respectively for cargo ships of less than 2,000 tons gross tonnage; provided also that if two or more spaces containing boilers or internal combustion type machinery are not entirely separate they shall be considered as forming one compartment.

(iii) When carbon dioxide is used as an extinguishing medium both for cargo spaces and for spaces containing boilers or internal combustion type machinery the quantity of gas need not be more than the maximum required either for the largest cargo compartment or machinery space.

(iv) For the purpose of this paragraph the volume of gas shall be calculated at 9 cubic feet to the pound (or 0.56 cubic metres to the kilogramme).

(v) When carbon dioxide is used as the extinguishing medium for spaces containing boilers or internal combustion type machinery the fixed piping system shall be such that 85 per cent. of the gas can be discharged into the space within 2 minutes.

(d) Where a generator producing inert gas is used to provide smothering gas in a fixed fire smothering installation for cargo spaces, it shall be capable of producing hourly a volume of free gas at least equal to 25 per cent. of the gross volume of the largest compartment protected in this way for a period of 72 hours.

(e) When steam is used as the extinguishing medium in cargo spaces the boiler or boilers available for supplying steam shall have an evaporation of at least 1 pound of steam per hour for each 12 cubic feet (or 1 kilogramme for each 0.75 cubic metres) of the gross volume of the largest cargo compartment in the ship. Moreover the Administration shall be satisfied that steam will

be available immediately and will not be dependent on the lighting of boilers and that it can be supplied continuously until the end of the voyage in the required quantity in addition to any steam necessary for the normal requirements of the ship including propulsion and that provision is made for extra feed water necessary to meet this requirement.

(f) Means shall be provided for giving audible warning of the release of fire smothering gas into any working space.

Regulation 59

Automatic Sprinkler Systems in Passenger Ships

(a) Any automatic water sprinkler system for fire protection required in accordance with Regulation 51 of this Chapter shall be ready for immediate use at any time, and no action on the part of the crew shall be necessary to set it in operation. Where such a system is fitted, it shall be kept charged at the necessary pressure and shall have provision for a continuous supply of water.

(b) The system shall be subdivided into a number of sections to be decided by the Administration, and automatic alarms shall be provided to indicate at one or more suitable points or stations the occurrence or indication of fire, and its location.

(c) The pump or pumps to provide the discharge from sprinkler heads shall be so connected as to be brought into action automatically by a pressure drop in the system. There shall be a connection from the ship's fire main provided with a lockable screw down valve and a non-return valve.

(d) Each pump shall be capable of maintaining a sufficient supply of water at the appropriate pressure, at the sprinkler heads, while such number of sprinkler heads as will be decided by the Administration are in operation.

(e) There shall be not less than two sources of power supply for the sea water pumps, air compressors and automatic alarms. Where the sources of power are electrical, these shall be a main generator and an emergency source of power. One supply shall be taken from the main switchboard, by separate feeders reserved solely for that purpose. Such feeders shall be run to a change-over switch situated near to the sprinkler unit and the switch shall normally be kept closed to the feeder from the emergency switchboard. The change-over switch shall be clearly labelled and no other switch shall be permitted in these feeders.

(f) Sprinkler heads shall be required to operate at temperatures that will be decided by the Administration. Suitable means for the periodic testing of all automatic arrangements shall be provided.

(g) Where Method II of fire protection is employed in a passenger ship the superstructure of which is constructed in aluminium alloy, the whole unit including the sprinkler pump, tank and air compressor shall be situated to the satisfaction of the Administration in a position reasonably remote from the boiler and machinery spaces. If the feeders from the emergency generator to the sprinkler unit pass through any space constituting a fire risk the cables shall be of a fireproof type.

Regulation 60

Fixed Froth Fire Extinguishing System

(a) Any required fixed froth fire extinguishing system shall be able to discharge a quantity of froth sufficient to cover to a depth of 6 inches (or 15 centimetres) the largest area over which oil fuel is liable to spread.

(b) Such a system shall be controlled from an easily accessible position or positions, outside the space to be protected, which will not be readily cut off by an outbreak of fire.

Regulation 61

Fire Detection Systems

(a) All required fire detection systems shall be capable of automatically indicating the presence or indication of fire and also its location. Indicators shall be centralised either on the bridge or in other control stations which are provided with a direct communication with the bridge. The Administration may permit the indicators to be distributed among several stations.

(b) In passenger ships electrical equipment used in the operation of required fire detection systems shall have two separate sources of power, one of which shall be an emergency source.

(c) The alarm system shall operate both audible and visible signals at the main stations referred to in paragraph (a) of this Regulation. Detection systems for cargo spaces need not have audible alarms.

Regulation 62

Fixed Pressure Water-spraying Systems for Engine Rooms and Boiler Rooms

(a) Fixed pressure water-spraying systems for boiler rooms with oil fired boilers and engine rooms with internal combustion type machinery shall be provided with spraying nozzles of an approved type.

(b) The number and arrangement of the nozzles shall be to the satisfaction of the Administration and be such as to ensure an effective distribution of water in the spaces to be protected. Nozzles shall be fitted above bilges, tank tops and other areas over which oil fuel is liable to spread and also above other main fire hazards in the boiler and engine rooms.

(c) The system may be divided into sections, the distribution manifolds of which shall be operated from easily accessible positions outside the spaces to be protected and which will not be readily cut off by an outbreak of fire.

(d) The system shall be kept charged at the necessary pressure and the pump supplying the water for the system shall be put automatically into action by a pressure drop in the system.

(e) The pump shall be capable of simultaneously supplying at the necessary pressure all sections of the system in any one compartment to be protected. The pump and its controls shall be installed outside the space or spaces to be protected. It shall not be possible for a fire in the space or spaces protected by the water-spraying system to put the system out of action.

(f) Special precautions shall be taken to prevent the nozzles from becoming clogged by impurities in the water or corrosion of piping, nozzles, valves and pump.

Regulation 63

Fireman's Outfit

(a) A fireman's outfit shall consist of a breathing apparatus, a lifeline, a safety lamp and an axe, as described in this Regulation.

(b) A breathing apparatus shall be of an approved type and may be either:

(i) A smoke helmet or smoke mask which shall be provided with a suitable air pump and a length of air hose sufficient to reach from the open deck, well clear of hatch or doorway, to any part of the holds or machinery spaces. If, in order to comply with this sub-paragraph, an air hose exceeding 120 feet (or 36 metres) in length would be necessary, a self-contained breathing apparatus shall be substituted or provided in addition as determined by the Administration.

(ii) A self-contained breathing apparatus which shall be capable of functioning for a period of time to be determined by the Administration.

(c) Each breathing apparatus shall have attached to its belt or harness, by means of a snaphook, a fireproof lifeline of sufficient length and strength.

(d) A safety lamp (hand lantern) shall be of an approved type. Such safety lamps shall be electric, and shall have a minimum burning period of three hours.

(e) The axe shall be to the satisfaction of the Administration.

Regulation 64

Requirements for Passenger Ships

(a) Patrols and Detection

(i) An efficient patrol system shall be maintained in all passenger ships so that any outbreak of fire may be promptly detected. Manual fire alarms shall be fitted throughout the passenger and crew accommodation to enable the fire patrol to give an alarm immediately to the bridge or fire control station.

(ii) An approved fire alarm or fire detecting system shall be provided which will automatically indicate at one or more suitable points or stations, where it can be most quickly observed by officers and crew, the presence or indication of fire and its location in any part of the ship which, in the opinion of the Administration, is not accessible to the patrol system, except where it is shown to the satisfaction of the Administration that the ship is engaged on voyages of such short duration that it would be unreasonable to apply this requirement.

(b) Fire Pumps and Water Service Pipes

A passenger ship shall be provided with fire pumps, water service pipes, hydrants and hoses complying with Regulation 56 of this Chapter and with the following requirements:—

(i) A passenger ship of 4,000 tons gross tonnage and upwards shall be provided with at least three independently driven fire pumps and every passenger ship of less than 4,000 tons gross tonnage with at least two such fire pumps.

(ii) In a passenger ship of 1,000 tons gross tonnage and upwards, the arrangement of sea connections, pumps and sources of power for operating them shall be such as to ensure that a fire in any one compartment will not put all the fire pumps out of action.

(iii) In a passenger ship of less than 1,000 tons gross tonnage the arrangements shall be to the satisfaction of the Administration.

(c) *Fire Hydrants, Hoses and Nozzles*

(i) A passenger ship shall be provided with such number of fire hoses as the Administration may deem sufficient. There shall be at least one fire hose for each of the hydrants required by paragraph (d) of Regulation 56 of this Chapter and these hoses shall be used only for the purposes of extinguishing fires or testing the fire extinguishing apparatus at fire drills and surveys.

(ii) In accommodation, service and machinery spaces, the number and position of hydrants shall be such that the requirements of paragraph (d) of Regulation 56 of this Chapter may be complied with when all watertight doors and all doors in main vertical zone bulkheads are closed.

(iii) In a passenger ship the arrangements shall be such that at least two jets of water can reach any part of any cargo space when empty.

(iv) All hydrants in the machinery spaces of passenger ships with oil-fired boilers or internal combustion type propelling machinery shall be fitted with hoses having in addition to the nozzles required in paragraph (f) of Regulation 56 of this Chapter nozzles suitable for spraying water on oil, or alternatively dual purpose nozzles.

(d) *International Shore Connection*

(i) A passenger ship of 1,000 tons gross tonnage and upwards shall be provided with at least one international shore connection, complying with Regulation 56 of this Chapter.

(ii) Facilities shall be available enabling such a connection to be used on either side of the ship.

(e) *Portable Fire Extinguishers in Accommodation and Service Spaces*

A passenger ship shall be provided in accommodation and service spaces with such approved portable fire extinguishers as the Administration may deem to be appropriate and sufficient.

(f) *Fixed Fire Smothering Arrangements in Cargo Spaces*

(i) The cargo spaces of passenger ships of 1,000 tons gross tonnage and upwards shall be protected by a fixed fire smothering gas system complying with Regulation 58 of this Chapter.

(ii) Where it is shown to the satisfaction of the Administration that a passenger ship is engaged on voyages of such short duration that it would be unreasonable to apply the requirements of sub-paragraph (i) of this paragraph and also in passenger ships of less than 1,000 tons gross tonnage, the arrangements in cargo spaces shall be to the satisfaction of the Administration.

(g) *Fire Extinguishing Appliances in Boiler Rooms, &c.*

Where main or auxiliary oil-fired boilers are situated, or in spaces containing oil fuel units or settling tanks, a passenger ship shall be provided with the following arrangements.

- (i) There shall be any one of the following fixed fire extinguishing installations:—

- (1) A pressure water spraying system complying with Regulation 62 of this Chapter;
- (2) A fire smothering gas installation complying with Regulation 58 of this Chapter;
- (3) A fixed froth installation complying with Regulation 60 of this Chapter. (The Administration may require fixed or mobile arrangements by pressure water or froth spraying to fight fire above the floor plates.)

In each case if the engine and boiler rooms are not entirely separate, or if fuel oil can drain from the boiler room into the engine room bilges, the combined engine and boiler rooms shall be considered as one compartment.

- (ii) There shall be at least two approved portable extinguishers discharging froth or other approved medium suitable for extinguishing oil fires, in each firing space in each boiler room and each space in which a part of the oil fuel installation is situated.

There shall be not less than one approved froth type extinguisher of at least 30 gallons (or 136 litres) capacity or equivalent in each boiler room. These extinguishers shall be provided with hoses on reels suitable for reaching any part of the boiler room and spaces containing any part of the oil fuel installations.

- (iii) In each firing space there shall be a receptacle containing sand, sawdust impregnated with soda or other approved dry material, in such quantity as may be required by the Administration. Alternatively an approved portable extinguisher may be substituted therefor.

(h) *Fire Fighting Appliances in Spaces containing Internal Combustion Type Machinery*

Where internal combustion type engines are used, either (1) for main propulsion or (2) for auxiliary purposes associated with a total power not less than 1,000 b.h.p., a passenger ship shall be provided with the following arrangements:—

- (i) There shall be one of the fixed arrangements required by subparagraph (g) (i) of this Regulation.

- (ii) There shall be in each engine space one approved froth type extinguisher of not less than 10 gallons (or 45 litres) capacity or equivalent and also one approved portable froth type extinguisher for each 1,000 b.h.p. of the engines or part thereof; but the total number of portable extinguishers so supplied shall be not less than two and need not exceed six.

(i) Fire Fighting Arrangements in Spaces containing Steam Turbines and not requiring any Fixed Installation

The Administration shall give special consideration to the fire-extinguishing arrangements to be provided in spaces containing steam turbines which are separated from boiler rooms by watertight bulkheads.

(j) Fireman's Outfits

A passenger ship shall carry at least two fireman's outfits each complying with the requirements of Regulation 63 of this Chapter. Where the ship exceeds 10,000 tons gross tonnage at least three outfits shall be carried and where it exceeds 20,000 tons gross tonnage at least four outfits shall be carried. These outfits shall be kept in widely separated places ready for use.

Regulation 65

Requirements for Cargo Ships

(a) Application

Where by virtue of minimum gross tonnage limits smaller cargo ships to which the present Regulations apply are not covered by specific requirements the arrangements for fire detection and extinction shall be to the satisfaction of the Administration.

(b) Fire Pumps and Water Service Pipes

A cargo ship shall be provided with fire pumps, water service pipes, hydrants and hoses complying with Regulation 56 of this Chapter and with the following requirements:—

- (i) A cargo ship of 1,000 tons gross tonnage and upwards shall be provided with two independently driven power pumps.
- (ii) In a cargo ship of 1,000 tons gross tonnage and upwards if a fire in any one compartment could put all the pumps out of action, there must be an alternative means of providing water for fire fighting. In a cargo ship of 2,000 tons gross tonnage and upwards this alternative means shall be a fixed emergency pump independently driven. This emergency pump shall be capable of supplying two jets of water to the satisfaction of the Administration.

(c) Fire Hydrants, Hoses and Nozzles

(i) In cargo ships of 1,000 tons gross tonnage and upwards the number of fire hoses to be provided, each complete with couplings and nozzles, shall be one for each 100 feet length of the ship and one spare, but in no case less

than five in all. This number does not include any hoses required in any engine or boiler room. The Administration may increase the number of the hoses required so as to ensure that hoses in sufficient number are available and accessible at all times, having regard to the type of the ship and the nature of the trade on which the ship is employed.

(ii) In accommodation, service and machinery spaces, the number and position of hydrants shall be such as to comply with the requirements of paragraph (d) of Regulation 56 of this Chapter.

(iii) In a cargo ship the arrangements shall be such that at least two jets of water can reach any part of any cargo space when empty.

(iv) All hydrants in the machinery spaces of cargo ships with oil fired boilers or internal combustion type propelling machinery shall be fitted with hoses having in addition to the nozzles required in paragraph (f) of Regulation 56 of this Chapter nozzles suitable for spraying water on oil, or alternatively dual purpose nozzles.

(d) International Shore Connection

(i) A cargo ship of 1,000 tons gross tonnage and upwards shall be provided with at least one international shore connection, complying with Regulation 56 of this Chapter.

(ii) Facilities shall be available enabling such a connection to be used on either side of the ship.

(e) Portable Fire Extinguishers in Accommodation and Service Spaces

A cargo ship shall be provided in accommodation and service spaces with such approved portable fire extinguishers as the Administration may deem to be appropriate and sufficient; in any case, their number shall not be less than five for ships of 1,000 tons gross tonnage and upwards.

(f) Fixed Fire Smothering Arrangements in Cargo Spaces

(i) Cargo spaces of ships of 2,000 tons gross tonnage and upwards shall be protected by a fixed fire smothering system complying with Regulation 58 of this Chapter. The Administration may allow the use of steam in lieu of smothering gas if the arrangements comply with paragraph (e) of Regulation 58 of this Chapter.

(ii) In tankers, installations discharging froth internally or externally to the tanks may be accepted as a suitable alternative to smothering gas or steam. The details of such installations shall be to the satisfaction of the Administration.

(iii) The Administration may exempt from the requirements of sub-paragraphs (i) and (ii) of this paragraph the cargo holds of any ship (other than the tanks of a tanker)—

- (1) if they are provided with steel hatch covers and effective means of closing all ventilators and other openings leading to the holds;
- (2) if the ship is constructed and intended solely for carrying such cargoes as ore, coal or grain;
- (3) where it is shown to the satisfaction of the Administration that the ship is engaged on voyages of such short duration that it would be unreasonable to apply the requirement.

(iv) Every cargo ship in addition to complying with the requirements of this Regulation shall, while carrying explosives of such nature or in such quantity as are not permitted to be carried in passenger ships under Regulation 8 of Chapter VII of these Regulations comply with the following requirements:—

- (1) Steam shall not be used for fire smothering purposes in any compartment containing explosives. For the purposes of this sub-paragraph, "compartment" means all spaces contained between two adjacent permanent bulkheads and includes the lower hold and all cargo spaces above it. The whole of any shelter deck space not subdivided by steel bulkheads the openings of which can be closed by steel closing plates shall, for the purposes of this sub-paragraph, be considered as a compartment. Where steel bulkheads with openings closed by steel closing plates are fitted, the enclosed spaces in the shelter deck may be considered as part of the compartment or compartments below.
- (2) In addition, in each compartment containing explosives and in adjacent cargo compartments, there shall be provided a smoke or fire detection system in each cargo space.

(g) Fire Extinguishing Appliances in Boiler Rooms, &c.

Where main or auxiliary oil fired boilers are situated, or in spaces containing oil fuel units or settling tanks, a cargo ship of 1,000 tons gross tonnage and upwards shall be provided with the following arrangements:—

- (i) There shall be any one of the following fixed fire extinguishing installations:—
 - (1) A pressure water spraying system complying with Regulation 62 of this Chapter;
 - (2) A fire smothering gas installation complying with Regulation 58 of this Chapter;

- (3) A fixed froth installation complying with Regulation 60 of this Chapter. (The Administration may require fixed or mobile arrangements by pressure water or froth spraying to fight fire above the floor plates.)

In each case if the engine and boiler rooms are not entirely separate, or if fuel oil can drain from the boiler room into the engine room bilges, the combined engine and boiler rooms shall be considered as one compartment.

- (ii) There shall be at least two approved portable extinguishers discharging froth or other approved medium suitable for extinguishing oil fires in each firing space in each boiler room and each space in which a part of the oil fuel installation is situated. In addition, there shall be at least one extinguisher of the same description with a capacity of 2 gallons (or 9 litres) for each burner, provided that the total capacity of the additional extinguisher or extinguishers need not exceed 10 gallons (or 45 litres) for any one boiler room.

- (iii) In each firing space there shall be a receptacle containing sand, sawdust impregnated with soda, or other approved dry material in such quantity as may be required by the Administration. Alternatively an approved portable extinguisher may be substituted therefor.

(h) Fire Fighting Appliances in Spaces containing Internal Combustion Type Machinery

Where internal combustion type engines are used, either (1) for main propulsion machinery, or (2) for auxiliary purposes associated with a total power not less than 1,000 b.h.p., a cargo ship of 1,000 tons gross tonnage and upwards shall be provided with the following arrangements:—

- (i) There shall be one of the fixed arrangements required by subparagraph (g) (i) of this Regulation.
- (ii) There shall be in each engine space one approved froth type extinguisher of not less than 10 gallons (or 45 litres) capacity or equivalent and also one approved portable froth extinguisher for each 1,000 b.h.p. of the engines or part thereof; but the total number of portable extinguishers so supplied shall be not less than two and need not exceed six.

(i) Fire Fighting Arrangements in Spaces containing Steam Turbines and not requiring any Fixed Installation

The Administration shall give special consideration to the fire extinguishing arrangements to be provided in spaces containing steam turbines which are separated from boiler rooms by watertight bulkheads.

(j) Fireman's Outfit

A cargo ship shall carry at least one fireman's outfit complying with the requirements of Regulation 63 of this Chapter.

Regulation 66

Ready Availability of Fire Fighting Appliances

Fire extinguishing appliances in new and existing passenger ships and cargo ships shall be kept in good order and available for immediate use at all times during the voyage.

Regulation 67

Acceptance of Substitutes

Where in this Part of this Chapter any special type of appliance, apparatus, extinguishing medium or arrangement is specified, any other type of appliance, &c. may be allowed, provided the Administration is satisfied that it is not less effective.

PART F.—GENERAL FIRE PRECAUTIONS

(Part F applies to passenger ships and cargo ships)

Regulation 68*Means of Escape**(a) Passenger Ships*

(i) In and from all passenger and crew spaces and spaces in which crew are normally employed, other than machinery spaces, stairways and ladderways shall be arranged so as to provide ready means of escape to the lifeboat embarkation deck. In particular the following precautions shall be complied with:—

- (1) below the bulkhead deck, two means of escape, at least one of which shall be independent of watertight doors, shall be provided for each watertight compartment or similarly restricted space or group of spaces. One of these means of escape may be dispensed with by the Administration, due regard being paid to the nature and the location of spaces concerned, and to the number of persons who normally might be quartered or employed there;
- (2) above the bulkhead deck, there shall be at least two practical means of escape from each main vertical zone or similarly restricted space or group of spaces at least one of which shall give access to a stairway forming a vertical escape;
- (3) at least one of the means of escape shall be by means of a readily accessible enclosed stairway, which shall provide as far as practicable continuous fire shelter from the level of its origin to the lifeboat embarkation deck. The width, number and continuity of the stairways shall be to the satisfaction of the Administration.

(ii) In machinery spaces, two means of escape, one of which may be a watertight door, shall be provided from each engine room, shaft tunnel and boiler room. In machinery spaces, where no watertight door is available, the two means of escape shall be formed by two sets of steel ladders as widely separated as possible leading to doors in the casing similarly separated and from which access is provided to the embarkation deck. In the case of ships of less than 2,000 tons gross tonnage, the Administration may dispense with this requirement, due regard being paid to the width and the disposition of the casing.

(b) Cargo Ships

(i) In and from all crew and passenger spaces and spaces in which crew are normally employed, other than machinery spaces, stairways and ladders shall be arranged so as to provide ready means of escape to the lifeboat embarkation deck.

(ii) In machinery spaces, the requirements of sub-paragraph (a) (ii) of this Regulation shall apply.

Regulation 69***Means for Stopping Machinery and for Shutting Off Oil Fuel Suction Pipes***

(a) Means shall be provided for stopping ventilating fans serving machinery and cargo spaces and for closing all doorways, ventilators, annular spaces around funnels and other openings to such spaces. These means shall be capable of being operated from outside such spaces in case of fire.

(b) Machinery driving forced and induced draught fans, oil fuel transfer pumps, oil fuel unit pumps and other similar fuel pumps shall be fitted with remote controls situated outside the space concerned so that they may be stopped in the event of a fire arising in the space in which they are located.

(c) Every oil fuel suction pipe from a storage, settling or daily service tank situated above the double bottom shall be fitted with a cock or valve capable of being closed from outside the space concerned in the event of a fire arising in the space in which such tanks are situated. In the special case of deep tanks situated in any shaft or pipe tunnel, valves on the tanks shall be fitted but control in event of fire may be effected by means of an additional valve on the pipe line or lines outside the tunnel or tunnels.

Regulation 70***Fire Control Plans***

In any passenger ship, and, as far as applicable in any cargo ship, there shall be permanently exhibited for the guidance of the ship's officers general arrangement plans showing clearly for each deck the control stations, the various fire sections enclosed by fire-resisting bulkheads, the sections enclosed by fire-retarding bulkheads (if any), together with particulars of the fire alarms, detecting systems, the sprinkler installation (if any), the fire extinguishing appliances, means of access to different compartments, decks,

&c., and the ventilating system including particulars of the master fan controls, the positions of dampers and identification numbers of the ventilating fans serving each section. Alternatively, at the discretion of the Administration, the aforementioned details may be set out in a booklet, a copy of which shall be supplied to each officer, and one copy at all times shall be available on board in an accessible position. Plans and booklets shall be kept up-to-date, any alterations being recorded thereon as soon as practicable.

CHAPTER III.—LIFE-SAVING APPLIANCES, &c.**Regulation 1***Application*

(a) This Chapter, except where it is otherwise expressly provided, applies as follows to new ships engaged on international voyages:—

Part A—Passenger ships and cargo ships.

Part B—Passenger ships.

Part C—Cargo ships.

(b) In the case of existing ships engaged on international voyages and which do not already comply with the provisions of this Chapter relating to new ships, the arrangements in each ship shall be considered by the Administration with a view to securing, so far as this is practicable and reasonable, and as early as possible, substantial compliance with the requirements of this Chapter. The proviso to sub-paragraph (b) (i) of Regulation 27 of this Chapter may, however, be applied to existing ships only if:—

- (i) the provisions of Regulations 4, 8, 14, 18 and 19, and paragraphs (a) and (b) of Regulation 27 of this Chapter are complied with;
- (ii) the liferafts carried in accordance with the provisions of paragraph (b) of Regulation 27 comply with the requirements of either Regulation 15 or Regulation 16, and of Regulation 17 of this Chapter; and
- (iii) the total number of persons on board shall not be increased as the result of the provision of liferafts.

PART A.—GENERAL

(Part A applies to both passenger ships and cargo ships)

Regulation 2*Definitions*

(a) For the purposes of this Chapter the expression “short international voyage” means an international voyage in the course of which a ship is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety, and which does not exceed 600 miles in length between the last port of call in the country in which the voyage begins and the final port of destination.

(b) For the purposes of this Chapter, the expression “liferaft” means a liferaft complying with either Regulation 15 or Regulation 16 of this Chapter.

(c) For the purposes of this Chapter, the expression "approved launching device" means a device approved by the Administration, capable of launching from the embarkation position a liferaft fully loaded with the number of persons it is permitted to carry and with its equipment.

(d) For the purposes of this Chapter, the expression "certificated lifeboatman" means any member of the crew who holds a certificate of efficiency issued under the provisions of Regulation 32 of this Chapter.

(e) For the purposes of this Chapter, the expression "buoyant apparatus" means flotation equipment (other than lifeboats, liferafts, lifebuoys and life-jackets) designed to support a specified number of persons who are in the water and of such construction that it retains its shape and properties.

Regulation 3

Exemptions

(a) The Administration, if it considers that the sheltered nature and conditions of the voyage are such as to render the application of the full requirements of this Chapter unreasonable or unnecessary, may to that extent exempt from the requirements of this Chapter individual ships or classes of ships which, in the course of their voyage, do not go more than 20 miles from the nearest land.

(b) In the case of passenger ships engaged on international voyages which are employed in the carriage of large numbers of unberthed passengers in special trades, such, for example, as the pilgrim trade, the Administration, if satisfied that it is impracticable to enforce compliance with the requirements of this Chapter, may exempt such ships from those requirements on the following conditions:—

(i) that the fullest provision which the circumstances of the trade will permit shall be made in the matter of lifeboats and other life-saving appliances and fire protection;

(ii) that all such boats and appliances shall be readily available within the meaning of Regulation 4 of this Chapter;

(iii) that a lifejacket shall be provided for every person on board;

(iv) that steps shall be taken to formulate general rules which shall be applicable to the particular circumstances of these trades. Such rules shall be formulated in concert with such other Contracting Governments, if any, as may be directly interested in the carriage of such passengers in such trades.

Notwithstanding any provisions of the present Convention the Simla Rules, 1931, shall continue in force as between the Parties to those Rules until the rules formulated under sub-paragraph (b) (iv) of this Regulation come into force.

Regulation 4*Ready Availability of Lifeboats, Liferafts and Buoyant Apparatus*

(a) The general principle governing the provision of lifeboats, liferafts and buoyant apparatus in a ship to which this Chapter applies is that they shall be readily available in case of emergency.

(b) To be readily available, the lifeboats, liferafts and buoyant apparatus shall comply with the following conditions:—

- (i) they shall be capable of being put into the water safely and rapidly even under unfavourable conditions of trim and of 15 degrees of list;
- (ii) it shall be possible to effect embarkation into the lifeboats and liferafts rapidly and in good order;
- (iii) the arrangement of each lifeboat, liferaft and article of buoyant apparatus shall be such that it will not interfere with the operation of other boats, liferafts and buoyant apparatus.

(c) All the life-saving appliances shall be kept in working order and available for immediate use before the ship leaves port and at all times during the voyage.

Regulation 5*Construction of Lifeboats*

(a) All lifeboats shall be properly constructed and shall be of such form and proportions that they shall have ample stability in a seaway, and sufficient freeboard when loaded with their full complement of persons and equipment. All lifeboats shall be capable of maintaining positive stability when open to the sea and loaded with their full complement of persons and equipment.

(b) (i) All lifeboats shall have rigid sides and internal buoyancy only. The Administration may approve lifeboats with a rigid shelter, provided that it may be readily opened from both inside and outside, and does not impede rapid embarkation and disembarkation or the launching and handling of the lifeboat.

(ii) Motor lifeboats may be fitted to the satisfaction of the Administration with means for preventing the entry of water at the fore end.

(iii) All lifeboats shall be not less than 24 feet (or 7·3 metres) in length except where owing to the size of the ship, or for other reasons, the Administration considers the carriage of such lifeboats unreasonable or impracticable. In no ship shall the lifeboats be less than 16 feet (or 4·9 metres) in length.

(c) No lifeboat may be approved the weight of which when fully laden with persons and equipment exceeds 20 tons (or 20,300 kilogrammes) or which has a carrying capacity calculated in accordance with Regulation 7 of this Chapter of more than 150 persons.

(d) All lifeboats permitted to carry more than 60 persons but not more than 100 persons shall be either motor lifeboats complying with the requirements of Regulation 9 of this Chapter or be lifeboats fitted with an approved means of mechanical propulsion complying with Regulation 10 of this Chapter. All lifeboats permitted to carry more than 100 persons shall be motor lifeboats complying with the requirements of Regulation 9 of this Chapter.

(e) All lifeboats shall be of sufficient strength to enable them to be safely lowered into the water when loaded with their full complement of persons and equipment. All lifeboats shall be of such strength that they will not suffer residual deflection if subjected to an overload of 25 per cent.

(f) All lifeboats shall have a mean sheer at least equal to 4 per cent. of their length. The sheer shall be approximately parabolic in form.

(g) In lifeboats permitted to carry 100 or more persons the volume of the buoyancy shall be increased to the satisfaction of the Administration.

(h) All lifeboats shall have inherent buoyancy, or shall be fitted with watertight air cases or other equivalent non-corrodible buoyant material which shall not be adversely affected by oil or oil products, sufficient to float the boat and its equipment when the boat is flooded and open to the sea. An additional volume of watertight air cases or other equivalent non-corrodible buoyant material, which shall not be adversely affected by oil or oil products, equal to at least one-tenth of the cubic capacity of the boat shall also be provided. The Administration may permit the watertight air cases to be filled with a non-corrodible buoyant material which shall not be adversely affected by oil or oil products.

(i) All thwarts and side-seats shall be fitted as low in the lifeboat as practicable.

(j) The block coefficient of the cubic capacity as determined in accordance with Regulation 6 of this Chapter of all lifeboats, except wooden lifeboats made of planks, shall be not less than 0.64.

Regulation 6

Cubic Capacity of Lifeboats

(a) The cubic capacity of a lifeboat shall be determined by Stirling's (Simpson's) Rule or by any other method giving the same degree of accuracy. The capacity of a square-sterned lifeboat shall be calculated as if the lifeboat had a pointed stern.

(b) For example, the capacity in cubic feet (or cubic metres) of a lifeboat, calculated by the aid of Stirling's Rule, may be considered as given by the following formula:—

$$\text{Capacity} = \frac{L}{12} (4A + 2B + 4C)$$

L being the length of the lifeboat in feet (or metres) from the inside of the planking or plating at the stem to the corresponding point at the stern post: in the case of a lifeboat with a square stern, the length is measured to the inside of the transom.

A, B, C denote respectively the areas of the cross-sections at the quarter-length forward, amidships, and the quarter-length aft, which correspond to the three points obtained by dividing L into four equal parts. (The areas corresponding to the two ends of the lifeboat are considered negligible.)

The areas A, B, C shall be deemed to be given in square feet (or square metres) by the successive application of the following formula to each of the three cross-sections—

$$\text{Area} = \frac{h}{12} (a + 4b + 2c + 4d + e)$$

h being the depth measured in feet (or in metres) inside the planking or plating from the keel to the level of the gunwale, or, in certain cases, to a lower level as determined hereafter.

a, b, c, d, e denote the horizontal breadths of the lifeboat measured in feet (or in metres) at the upper and lower points of the depth and at the three points obtained by dividing h into four equal parts (a and e being the breadths at the extreme point, and c at the middle point of h).

(c) If the sheer of the gunwale, measured at the two points situated at a quarter of the length of the lifeboat from the ends, exceeds 1 per cent. of the length of the lifeboat the depth employed in calculating the area of the cross-sections A or C shall be deemed to be the depth amidships plus 1 per cent. of the length of the lifeboat.

(d) If the depth of the lifeboat amidships exceeds 45 per cent. of the breadth, the depth employed in calculating the area of the amidship cross-section B shall be deemed to be equal to 45 per cent. of the breadth, and the depth employed in calculating the areas of the quarter-length sections A and C is obtained by increasing this last figure by an amount equal to 1 per cent. of the length of the lifeboat, provided that in no case shall the depths employed in the calculation exceed the actual depths at these points.

(e) If the depth of the lifeboat is greater than 4 feet (or 122 centimetres) the number of persons given by the application of this Rule shall be reduced in proportion to the ratio of 4 feet (or 122 centimetres) to the actual depth, until the lifeboat has been satisfactorily tested afloat with that number of persons on board, all wearing lifejackets.

(f) The Administration shall impose, by suitable formulae, a limit for the number of persons allowed in lifeboats with very fine ends and in lifeboats very full in form.

(g) The Administration may assign to a lifeboat constructed of wooden planks capacity equal to the product of the length, the breadth and the depth multiplied by 0·6 if it is evident that this formula does not give a greater capacity than that obtained by the above method. The dimensions shall then be measured in the following manner:—

Length.—From the intersection of the outside of the planking with the stem to the corresponding point at the stern post or, in the case of a square-sterned boat, to the after side of the transom.

Breadth.—From the outside of the planking at the point where the breadth of the boat is greatest.

Depth.—Amidships inside the planking from the keel to the level of the gunwale, but the depth used in calculating the cubic capacity may not in any case exceed 45 per cent. of the breadth.

In all cases the shipowner has the right to require that the cubic capacity of the lifeboat shall be determined by exact measurement.

(h) The cubic capacity of a motor lifeboat or a lifeboat fitted with other propelling gear shall be obtained from the gross capacity by deducting a volume equal to that occupied by the motor and its accessories or the gearbox of the other propelling gear, and, when carried, the radiotelegraph installation and searchlight with their accessories.

Regulation 7

Carrying Capacity of Lifeboats

The number of persons which a lifeboat shall be permitted to accommodate shall be equal to the greatest whole number obtained by dividing the capacity in cubic feet by:—

In the case of a lifeboat of 24 feet (or 7·3 metres) in length or over	10 (or where the capacity is measured in cubic metres, 0·283);
in the case of lifeboats of 16 feet (or 4·9 metres) in length				14 (or where the capacity is measured in cubic metres, 0·396); and
in the case of lifeboats of 16 feet (or 4·9 metres) in length or over but under 24 feet (or 4·9 metres)			...	a number between 14 and 10 (or where the capacity is measured in cubic metres, between 0·396 and 0·283), to be obtained by interpolation;

provided that the number shall in no case exceed the number of adult persons wearing lifejackets which can be seated without in any way interfering with the use of oars or the operation of other propulsion equipment.

Regulation 8

Number of Motor Lifeboats to be carried

(a) In every passenger ship there shall be carried on each side of the ship at least one motor lifeboat complying with the requirements of Regulation 9 of this Chapter.

Provided that in passenger ships in which the total number of persons which the ship is certified to carry, together with the crew, does not exceed 30, only one such motor lifeboat shall be required.

(b) In every cargo ship of 1,600 tons gross tonnage and upwards, except tankers, ships employed as whale factory ships, ships employed as fish processing or canning factory ships, and ships engaged in the carriage of persons in the whaling, fish processing or canning industries, there shall be carried at least one motor lifeboat complying with the requirements of Regulation 9 of this Chapter.

(c) In every tanker of 1,600 tons gross tonnage and upwards, in every ship employed as a whale factory ship, in every ship employed as a fish processing or canning factory ship and in every ship engaged in the carriage of persons employed in the whaling, fish processing or canning industries, there shall be carried on each side at least one motor lifeboat complying with the requirements of Regulation 9 of this Chapter.

Regulation 9

Specification of Motor Lifeboats

(a) A motor lifeboat shall comply with the following conditions:—

- (i) It shall be fitted with a compression ignition engine and kept so as to be at all times ready for use; it shall be capable of being readily started in all conditions; sufficient fuel for 24 hours continuous operation at the speed specified in sub-paragraph (a) (iii) of this Regulation shall be provided.
- (ii) The engine and its accessories shall be suitably enclosed to ensure operation under adverse weather conditions, and the engine casing shall be fire-resisting. Provision shall be made for going astern.
- (iii) The speed ahead in smooth water when loaded with its full complement of persons and equipment shall be:—
 - (1) In the case of motor lifeboats required by Regulation 8 of this Chapter to be carried in passenger ships, tankers, ships

employed as whale factory ships, ships employed as fish processing or canning factory ships and ships engaged in the carriage of persons employed in the whaling, fish processing or canning industries, at least six knots.

(2) In the case of any other motor lifeboat, at least four knots.

(b) The volume of the internal buoyancy appliances of a motor lifeboat shall be increased above that required by Regulation 5 of this Chapter by the amount, if any, by which the volume of the internal buoyancy appliances required to support the engine and its accessories, and, if fitted, the searchlight and radiotelegraph installation and their accessories, exceeds the volume of the internal buoyancy appliances required, at the rate of one cubic foot per person, to support the additional persons which the lifeboat could accommodate if the motor and its accessories, and, if fitted, the searchlight and radiotelegraph installation and their accessories, were removed.

Regulation 10

Specification of Mechanically Propelled Lifeboats other than Motor Lifeboats

A mechanically propelled lifeboat, other than a motor lifeboat, shall comply with the following conditions:—

- (a) The propelling gear shall be of an approved type and shall have sufficient power to enable the lifeboat to be readily cleared from the ship's side when launched and to be able to hold course under adverse weather conditions. If the gear is manually operated it shall be capable of being worked by persons untrained in its use and shall be capable of being operated when the lifeboat is flooded.
- (b) A device shall be fitted by means of which the helmsman can cause the lifeboat to go astern at any time when the propelling gear is in operation.
- (c) The volume of the internal buoyancy of a mechanically propelled lifeboat, other than a motor lifeboat, shall be increased to compensate for the weight of the propelling gear.

Regulation 11

Equipment of Lifeboats

(a) The normal equipment of every lifeboat shall consist of:—

- (i) a single banked complement of buoyant oars, two spare buoyant oars, and a buoyant steering oar: one set and a half of thole pins or crutches, attached to the lifeboat by lanyard or chain; a boat hook;

- (ii) two plugs for each plug hole (plugs are not required when proper automatic valves are fitted) attached to the lifeboat by lanyards or chains; a baler, and two buckets of approved material;
- (iii) a rudder attached to the lifeboat and a tiller;
- (iv) two hatchets, one at each end of the lifeboat;
- (v) a lamp, with oil sufficient for 12 hours; two boxes of suitable matches in a watertight container;
- (vi) a mast or masts, with galvanised wire stays together with sails (coloured orange);
- (vii) an efficient compass in binnacle, to be luminised or fitted with suitable means of illumination;
- (viii) a lifeline becketed round the outside of the lifeboat;
- (ix) a sea-anchor of approved size;
- (x) two painters of sufficient length. One shall be secured to the forward end of the lifeboat with strop and toggle so that it can be released, and the other shall be firmly secured to the stem of the lifeboat and be ready for use;
- (xi) a vessel containing one gallon (or four and half litres) of vegetable, fish or animal oil. The vessel shall be so constructed that the oil can be easily distributed on the water, and so arranged that it can be attached to the sea-anchor;
- (xii) a food ration, determined by the Administration, for each person the lifeboat is certified to carry. These rations shall be kept in airtight receptacles which are to be stowed in a watertight container;
- (xiii) watertight receptacles containing six pints (or three litres) of fresh water for each person the lifeboat is certified to carry, or watertight receptacles containing four pints (or two litres) of fresh water for each person together with an approved de-salting apparatus capable of providing two pints (or one litre) of drinking water per person; a rustproof dipper with lanyard; a rustproof graduated drinking vessel;
- (xiv) four parachute signals of approved type capable of giving a bright red light at a high altitude; six hand flares of an approved type giving a bright red light;
- (xv) two buoyant smoke signals of an approved type (for day-time use) capable of giving off a volume of orange-coloured smoke;
- (xvi) approved means to enable persons to cling to the boat should it be upturned, in the form of bilge keels or keel rails, together with grab lines secured from gunwale to gunwale under the keel, or other approved arrangements;
- (xvii) an approved first aid outfit in a watertight case;

- (xviii) a waterproof electric torch suitable for signalling in the Morse Code together with one spare set of batteries and one spare bulb in a waterproof container;
- (xix) a daylight-signalling mirror of an approved type;
- (xx) a jack-knife fitted with a tin opener to be kept attached to the boat with a lanyard;
- (xxi) two light buoyant heaving lines;
- (xxii) a manual pump of an approved type;
- (xxiii) a suitable locker for stowage of small items of equipment;
- (xxiv) one whistle or equivalent sound signal;
- (xxv) one set of fishing tackle;
- (xxvi) one approved cover of a highly visible colour capable of protecting the occupants against injury by exposure; and
- (xxvii) one copy of the illustrated table of life-saving signals referred to in Regulation 16 of Chapter V.

(b) In the case of ships engaged on voyages of such duration that in the opinion of the Administration the items specified in sub-paragraphs (vi), (xii), (xix), (xx) and (xxv) of paragraph (a) of this Regulation are unnecessary, the Administration may allow them to be dispensed with.

(c) Notwithstanding the provisions of paragraph (a) of this Regulation, motor lifeboats or other approved mechanically propelled lifeboats need not carry a mast or sails or more than half the complement of oars, but they shall carry two boat hooks.

(d) All lifeboats shall be fitted with suitable means to enable persons in the water to climb into the lifeboat.

(e) Every motor lifeboat shall carry portable fire-extinguishing equipment of an approved type capable of discharging froth or other suitable substance for extinguishing oil fires.

Regulation 12

Security of Lifeboat Equipment

All items of lifeboat equipment, with the exception of the boat hook which shall be kept free for fending off purposes, shall be suitably secured within the lifeboat. The lashing shall be carried out in such a manner as to ensure the security of the equipment and so as not to interfere with the lifting hooks or to prevent ready embarkation. All items of lifeboat equipment shall be as small and light in weight as possible and shall be packed in suitable and compact form.

Regulation 13*Portable Radio Apparatus*

(a) An approved portable radio apparatus for survival craft complying with the requirements set out in Regulation 13 of Chapter IV shall be carried in all ships except those on which there is carried on each side of the ship a motor lifeboat fitted with a radiotelegraph installation complying with the provisions of Regulation 14 of this Chapter and of Regulation 12 of Chapter IV. All this equipment shall be kept together in the chartroom or other suitable place ready to be moved to one or other of the lifeboats in the event of an emergency. However, in tankers of 3,000 tons gross tonnage and upwards in which lifeboats are fitted amidships and aft this equipment shall be kept in a suitable place in the vicinity of those lifeboats which are furthest away from the ship's main transmitter.

(b) In the case of ships engaged on voyages of such duration that in the opinion of the Administration portable radio apparatus for survival craft is unnecessary, the Administration may allow such equipment to be dispensed with.

Regulation 14*Radio Apparatus and Searchlights in Motor Lifeboats*

(a) (i) Where the total number of persons on board a passenger ship engaged on international voyages which are not short international voyages, a ship employed as a whale factory ship, a ship employed as a fish processing or canning factory ship or a ship engaged in the carriage of persons employed in the whaling, fish processing or canning industries, is more than 199 but less than 1,500, a radiotelegraph apparatus complying with the requirements set out in this Regulation and in Regulation 12 of Chapter IV shall be fitted in at least one of the motor lifeboats required under Regulation 8 of this Chapter to be carried in that ship.

(ii) Where the total number of persons on board such a ship is 1,500 or more, such a radiotelegraph apparatus shall be fitted in every motor lifeboat required under Regulation 8 of this Chapter to be carried in that ship.

(b) The radio apparatus shall be installed in a cabin large enough to accommodate both the equipment and the person using it.

(c) The arrangements shall be such that the efficient operation of the transmitter and receiver shall not be interfered with by the engine while it is running, whether a battery is on charge or not.

(d) The radio battery shall not be used to supply power to any engine starting motor or ignition system.

(e) The motor lifeboat engine shall be fitted with a dynamo for recharging the radio battery, and for other services.

(f) A searchlight shall be fitted in each motor lifeboat required to be carried under paragraph (a) of Regulation 8 of this Chapter in passenger ships and under paragraph (c) of that Regulation in ships employed as whale factory ships, fish processing or canning factory ships and ships engaged in the carriage of persons employed in the whaling, fish processing or canning industries.

(g) The searchlight shall include a lamp of at least 80 watts, an efficient reflector and a source of power which will give effective illumination of a light-coloured object having a width of about 60 feet (or 18 metres) at a distance of 200 yards (or 180 metres) for a total period of six hours and shall be capable of working for at least three hours continuously.

Regulation 15

Requirements for Inflatable Liferafts

(a) Every inflatable liferaft shall be so constructed that, when fully inflated and floating with the cover uppermost, it shall be stable in a seaway.

(b) The liferaft shall be so constructed that if it is dropped into the water from a height of 60 feet (or 18 metres) neither the liferaft nor its equipment will be damaged.

(c) The construction of the liferaft shall include a cover which shall automatically be set in place when the liferaft is inflated. This cover shall be capable of protecting the occupants against injury from exposure, and means shall be provided for collecting rain. The top of the cover shall be fitted with a lamp which derives its luminosity from a sea-activated cell and a similar lamp shall also be fitted inside the liferaft. The cover of the liferaft shall be of a highly visible colour.

(d) The liferaft shall be fitted with a painter and shall have a line securely becketed round the outside. A lifeline shall also be fitted around the inside of the liferaft.

(e) The liferaft shall be capable of being readily righted by one person if it inflates in an inverted position.

(f) The liferaft shall be fitted at each opening with efficient means to enable persons in the water to climb on board.

(g) The liferaft shall be contained in a valise or other container so constructed as to be capable of withstanding hard wear under conditions met with at sea. The liferaft in its valise or other container shall be inherently buoyant.

(h) The buoyancy of the liferaft shall be so arranged as to ensure by a division into an even number of separate compartments, half of which shall be capable of supporting out of the water the number of persons which the liferaft is permitted to accommodate, or by some other equally efficient means, that there is a reasonable margin of buoyancy if the raft is damaged or partially fails to inflate.

(i) The total weight of the liferaft, its valise or other container and its equipment shall not exceed 400 lb. (or 180 kilogrammes).

(j) The number of persons which an inflatable liferaft shall be permitted to accommodate shall be equal to:—

(i) the greatest whole number obtained by dividing by 3·4 the volume, measured in cubic feet (or by 96 the volume, measured in cubic decimetres) of the main buoyancy tubes (which for this purpose shall include neither the arches nor the thwart or thwarts if fitted) when inflated, or

(ii) the greatest whole number obtained by dividing by 4 the area, measured in square feet (or by 3,720 the area measured in square centimetres) of the floor (which for this purpose may include the thwart or thwarts if fitted) of the liferaft when inflated whichever number shall be the less.

(k) The floor of the liferaft shall be waterproof and shall be capable of being sufficiently insulated against cold.

(l) The liferaft shall be inflated by a gas which is not injurious to the occupants and the inflation shall take place automatically either on the pulling of a line or by some other equally simple and efficient method. Means shall be provided whereby the topping-up pump or bellows required by Regulation 17 of this Chapter may be used to maintain pressure.

(m) The liferaft shall be of approved material and construction, and shall be so constructed as to be capable of withstanding exposure for 30 days afloat in all sea conditions.

(n) No liferaft shall be approved which has a carrying capacity calculated in accordance with paragraph (j) of this Regulation of less than six persons. The maximum number of persons calculated in accordance with that paragraph for which an inflatable liferaft may be approved shall be at the discretion of the Administration, but shall in no case exceed 25.

(o) The liferaft shall be capable of operating throughout a temperature range of 150°F. to minus 22°F. (or 66°C. to minus 30°C.).

(p) The liferaft shall be so stowed as to be readily available in case of emergency.

(q) The liferaft shall be fitted with arrangements enabling it to be readily towed.

Regulation 16

Requirements for Rigid Liferafts

(a) Every rigid liferaft shall be so constructed that if it is dropped into the water from its stowed position neither the liferaft nor its equipment will be damaged.

(b) The deck area of the liferaft shall be situated within that part of the liferaft which affords protection to its occupants. The area of that deck shall be at least 4 square feet (or 3,720 square centimetres) for every person the liferaft is permitted to carry. The nature of the deck shall be such as to prevent so far as practicable the ingress of water and it shall effectively support the occupants out of the water.

(c) The liferaft shall be fitted with a cover or equivalent arrangement of a highly visible colour, which shall be capable of protecting the occupants against injury from exposure whichever way up the liferaft is floating.

(d) The equipment of the liferaft shall be so stowed as to be readily available whichever way up the liferaft is floating.

(e) The total weight of a liferaft and its equipment carried in passenger ships shall not exceed 400 lb. (or 180 kilogrammes). Liferafts carried in cargo ships may exceed 400 lb. (or 180 kilogrammes) in weight if they are capable of being launched from both sides of the ship or if there are provided means for putting them into the water mechanically.

(f) The liferaft must at all times be effective and stable when floating either way up.

(g) The liferaft shall have at least 3·4 cubic feet (or 96 cubic decimetres) of air cases or equivalent buoyancy for each person it is permitted to carry which must be placed as near as possible to the sides of the raft.

(h) The liferaft shall have a painter attached and a lifeline securely becketed round the outside. A lifeline shall also be fitted around the inside of the raft.

(i) The liferaft shall be fitted at each opening with efficient means to enable persons in the water to climb on board.

(j) The liferaft shall be so constructed as not to be affected by oil or oil products.

(k) A buoyant light of the electric battery type shall be attached to the liferaft by a lanyard.

(l) The liferaft shall be fitted with arrangements enabling it to be readily towed.

(m) Liferafts shall be so stowed as to float free in the event of the ship sinking.

Regulation 17

Equipment of Inflatable and Rigid Liferafts

(a) The normal equipment of every liferaft shall consist of:—

- (i) One buoyant rescue quilt, attached to at least 100 feet (or 30 metres) of buoyant line.

- (ii) For liferafts which are permitted to accommodate not more than 12 persons; one knife and one baler; for liferafts which are permitted to accommodate 13 persons or more; two knives and two balers.
- (iii) Two sponges.
- (iv) Two sea-anchors, one permanently attached to the liferaft and one spare.
- (v) Two paddles.
- (vi) One repair outfit capable of repairing punctures in buoyancy compartments.
- (vii) One topping-up pump or bellows, unless the liferaft complies with Regulation 16 of this Chapter.
- (viii) Three tin-openers.
- (ix) One approved first-aid outfit in a waterproof case.
- (x) One rustproof graduated drinking vessel.
- (xi) One waterproof electric torch suitable for signalling in the Morse Code, together with one spare set of batteries and one spare bulb in a waterproof container.
- (xii) One daylight signalling mirror and one signalling whistle.
- (xiii) Two parachute distress signals of an approved type, capable of giving a bright red light at a high altitude.
- (xiv) Six hand flares of an approved type, capable of giving a bright red light.
- (xv) One set of fishing tackle.
- (xvi) A food ration, determined by the Administration, for each person the liferaft is permitted to accommodate.
- (xvii) Watertight receptacles containing three pints (or one and a half litres) of fresh water for each person the liferaft is permitted to accommodate, of which one pint (or half a litre) per person may be replaced by a suitable de-salting apparatus capable of producing an equal amount of fresh water.
- (xviii) Six anti-seasickness tablets for each person the liferaft is deemed fit to accommodate.
- (xix) Instructions on how to survive in the liferaft; and
- (xx) One copy of the illustrated table of life-saving signals referred to in Regulation 16 of Chapter V.

(b) In the case of passenger ships engaged on short international voyages of such duration that in the opinion of the Administration all the items specified in paragraph (a) are unnecessary, the Administration may allow one or more liferafts, not being less than one-sixth of the number of the liferafts

carried in any such ship, to be provided with the equipment specified in sub-paragraphs (i) to (vii) inclusive, (xi) and (xix) of paragraph (a) of this Regulation, and with one-half of the equipment specified in sub-paragraphs (xiii) and (xiv) of the said paragraph and the remainder of the liferafts carried to be provided with the equipment specified in sub-paragraphs (i) to (vii) inclusive and (xix) of the said paragraph.

Regulation 18

Training in the use of Liferafts

The Administration shall so far as is practicable and reasonable take steps with a view to ensuring that crews of ships in which liferafts are carried are trained in their launching and use.

Regulation 19

Embarkation into Lifeboats and Liferafts

(a) Suitable arrangements shall be made for embarkation into the lifeboats, which shall include:—

- (i) a ladder at each set of davits to afford access to the lifeboats when waterborne, except that in passenger ships, ships employed as whale factory ships, ships employed as fish processing or canning factory ships and ships engaged in the carriage of persons employed in the whaling, fish processing or canning industries, the Administration may permit such ladders to be replaced by approved devices provided that there shall not be less than one ladder on each side of the ship;
- (ii) means for illuminating the lifeboats and their launching gear during preparation for and the process of launching, and also for illuminating the water into which the lifeboats are launched until the process of launching is completed;
- (iii) arrangements for warning the passengers and crew that the ship is about to be abandoned; and
- (iv) means for preventing any discharge of water into the lifeboats.

(b) Suitable arrangements shall also be made for embarkation into the liferafts, which shall include:—

- (i) sufficient ladders to facilitate embarkation into the liferafts when waterborne except that in passenger ships, ships employed as whale factory ships, ships employed as fish processing or canning factory ships, and ships engaged in the carriage of persons employed in the whaling, fish processing or fish canning industries, the

Administration may permit the replacement of some or all of such ladders by approved devices;

- (ii) where there are carried liferafts for which approved launching devices are provided, means for illuminating those liferafts and launching devices during the preparation for and the process of launching, and also for illuminating the water into which those liferafts are launched until the process of launching is completed;
- (iii) means for illuminating the stowage position of liferafts for which approved launching devices are not provided;
- (iv) arrangements for warning the passengers and crew that the ship is about to be abandoned; and
- (v) means for preventing any discharge of water into the liferafts at fixed launching positions, including those under approved launching devices.

Regulation 20

Marking of Lifeboats, Liferafts and Buoyant Apparatus

(a) The dimensions of a lifeboat and the number of persons which it is permitted to carry shall be marked on it in clear permanent characters. The name and port of registry of the ship to which the lifeboat belongs shall be painted on each side of the bow.

(b) Buoyant apparatus shall be marked with the number of persons in the same manner.

(c) The number of persons shall be marked in the same manner on inflatable liferafts and also on the valise or container in which the inflatable liferaft is contained. Every inflatable liferaft shall also bear a serial number and the manufacturer's name so that the owner of the liferaft can be ascertained.

(d) Every rigid liferaft shall be marked with the name and port of registry of the ship in which it is carried, and with the number of persons it is permitted to carry.

(e) No lifeboat, liferaft or buoyant apparatus shall be marked for a greater number of persons than that obtained in the manner specified in this Chapter.

Regulation 21

Specification of a Lifebuoy

(a) A lifebuoy shall satisfy the following requirements:—

- (i) it shall be of solid cork or any other equivalent material;
- (ii) it shall be capable of supporting in fresh water for 24 hours at least 32 lbs. (or 14·5 kilogrammes) of iron;

- (iii) it shall not be adversely affected by oil or oil products;
- (iv) it shall be of a highly visible colour;
- (v) it shall be marked in block letters with the name and port of registry of the ship in which it is carried.

(b) Lifebuoys filled with rushes, cork shavings or granulated cork, or any other loose granulated material, or whose buoyancy depends upon air compartments which require to be inflated, are prohibited.

(c) Lifebuoys made of plastic or other synthetic compounds shall be capable of retaining their buoyant properties and durability in contact with sea water or oil products, or under variations of temperature or climatic changes prevailing in open sea voyages.

(d) Lifebuoys shall be fitted with beackets securely seized. At least one lifebuoy on each side of the ship shall be fitted with a buoyant lifeline of at least 15 fathoms (or 27·5 metres) in length.

(e) In passenger ships not less than one-half of the total number of lifebuoys, and in no case less than six, and in cargo ships at least one-half of the total number of lifebuoys, shall be provided with efficient self-igniting lights.

(f) The self-igniting lights required by paragraph (e) of this Regulation shall be such that they cannot be extinguished by water. They shall be capable of burning for not less than 45 minutes and shall have a luminosity of not less than 3·5 lumens. They shall be kept near the lifebuoys to which they belong, with the necessary means of attachment. Self-igniting lights used in tankers shall be of an approved electric battery type.

(g) All lifebuoys shall be so placed as to be readily accessible to the persons on board, and at least two of the lifebuoys provided with self-igniting lights in accordance with paragraph (e) of this Regulation shall also be provided with an efficient self-activating smoke signal capable of producing smoke of a highly visible colour for at least 15 minutes, and shall be capable of quick release from the navigating bridge.

(h) Lifebuoys shall always be capable of being rapidly cast loose and shall not be permanently secured in any way.

Regulation 22

Lifejackets

(a) Ships shall carry for every person on board a lifejacket of an approved type and, in addition, unless these lifejackets can be adapted for use by children, a sufficient number of lifejackets suitable for children.

(b) In addition to the lifejackets required by paragraph (a) there shall be carried on passenger ships lifejackets for 5 per cent. of the total number of persons on board. These lifejackets shall be stowed in a conspicuous place on deck.

(c) A lifejacket shall not be approved unless it satisfies the following requirements:—

- (i) It shall be constructed with proper workmanship and materials.
- (ii) It shall be capable of supporting in fresh water for 24 hours 16·5 pounds (or 7·5 kilogrammes) of iron.
- (iii) It shall be so constructed as to eliminate so far as possible all risk of its being put on incorrectly, except that it shall be capable of being worn inside out.
- (iv) It shall provide support to the head so that the face of an unconscious person is held above the water with the body inclined backwards from its vertical position.
- (v) It shall be capable of turning the body, on entering the water, to a safe floating position with the body inclined backwards from its vertical position.
- (vi) It shall not be adversely affected by oil or oil products.
- (vii) It shall be of a highly visible colour.
- (viii) It shall be fitted with an approved whistle, firmly secured by a cord.

(d) A lifejacket, the buoyancy of which depends on inflation, may be permitted for use by the crews of all ships except passenger ships and tankers provided that:—

- (i) It has two separate air compartments, together capable of supporting in fresh water for 24 hours 33 pounds (or 15 kilogrammes) of iron, and each capable of so supporting 16·5 pounds (7·5 kilogrammes) of iron;
- (ii) It is capable of being inflated both mechanically and by mouth; and
- (iii) It complies with the requirements of sub-paragraphs (i), (iii), (iv), (v), (vi), (vii) and (viii) of paragraph (c) even if one air compartment is not inflated.

(e) Lifejackets shall be so placed as to be readily accessible and their position shall be plainly indicated.

Regulation 23

Line-throwing Appliances

(a) Ships shall carry a line-throwing appliance of an approved type.

(b) The appliance shall be capable of carrying a line not less than 250 yards (or 230 metres) with reasonable accuracy, and shall include not less than four projectiles and four lines.

Regulation 24*Ships' Distress Signals*

Ships shall be provided, to the satisfaction of the Administration, with means of making effective distress signals by day and by night, including at least twelve parachute signals capable of giving a bright red light at a high altitude.

Regulation 25*Muster List and Emergency Procedure*

(a) Special duties to be undertaken in the event of an emergency shall be allotted to each member of the crew.

(b) The muster list shall show all the special duties and shall indicate, in particular, the station to which each member must go, and the duties that he has to perform.

(c) Before the vessel sails, the muster list shall be drawn up. Copies shall be posted in several parts of the ship, and in particular in the crew's quarters.

(d) The muster list shall show the duties assigned to the different members of the crew in connection with:—

(i) the closing of the watertight doors, valves and closing mechanisms of scuppers, ash-shoots, and fire doors;

(ii) the equipping of the lifeboats (including the portable radio apparatus for survival craft) and the other life-saving appliances;

(iii) the launching of the lifeboats;

(iv) the general preparation of the other life-saving appliances;

(v) the muster of the passengers; and

(vi) the extinction of fire.

(e) The muster list shall show the several duties assigned to the members of the stewards' department in relation to the passengers in case of emergency. These duties shall include:—

(i) warning the passengers;

(ii) seeing that they are suitably clad and have put on their lifejackets in a proper manner;

(iii) assembling the passengers at muster stations;

(iv) keeping order in the passages and on the stairways, and, generally, controlling the movements of the passengers; and

(v) ensuring that a supply of blankets is taken to the lifeboats.

(f) The muster list shall specify definite signals for calling all the crew to their boat, liferaft and fire stations, and shall give full particulars of these

signals. These signals shall be made on the whistle or siren and, except on passenger ships on short international voyages and on cargo ships of less than 150 feet in length, they shall be supplemented by other signals which shall be electrically operated. All these signals shall be operable from the bridge.

Regulation 26

Practice Musters and Drills

(a) (i) In passenger ships, musters of the crew for boat drill and fire drill shall take place weekly when practicable and there shall be such a muster when a passenger ship leaves the final port of departure on an international voyage which is not a short international voyage.

(ii) In cargo ships, a muster of the crew for boat drill and fire drill shall take place at intervals of not more than one month, provided that a muster of the crew for boat drill and fire drill shall take place within 24 hours of leaving a port if more than 25 per cent. of the crew have been replaced at that port.

(iii) On the occasion of the monthly muster in cargo ships the boats' equipment shall be examined to ensure that it is complete.

(iv) The date upon which musters are held shall be recorded in such log book as may be prescribed by the Administration; and, if in any week (for passenger ships) or month (for cargo ships) no muster or a part muster only is held, an entry shall be made stating the circumstances and extent of the muster held. A report of the examination of the boats' equipment on cargo ships shall be entered in the log book, which shall also record the occasions on which the lifeboats are swung out and lowered in compliance with paragraph (c) of this Regulation.

(b) In passenger ships, except those engaged on short international voyages, a muster of the passengers shall be held within twenty-four hours after leaving port.

(c) Different groups of lifeboats shall be used in turn at successive boat drills and every lifeboat shall be swung out and, if practicable and reasonable, lowered at least once every four months. The musters and inspections shall be so arranged that the crew thoroughly understand and are practised in the duties they have to perform, including instructions in the handling and operation of liferafts where these are carried.

(d) The emergency signal for summoning passengers to muster stations shall be a succession of seven or more short blasts followed by one long blast on the whistle or siren. This shall be supplemented in passenger ships, except those engaged on short international voyages, by other signals, which shall be electrically operated, throughout the ship operable from the bridge. The meaning of all signals affecting passengers, with precise instructions on

what they are to do in an emergency, shall be clearly stated in appropriate languages on cards posted in their cabins and in conspicuous places in other passenger quarters.

PART B.—PASSENGER SHIPS ONLY

Regulation 27

Lifeboats, Liferafts and Buoyant Apparatus

(a) Passenger ships shall carry two boats attached to davits—one on each side of the ship—for use in an emergency. These boats shall be of an approved type and shall be not more than 28 feet (or $8\frac{1}{2}$ metres) in length. They may be counted for the purposes of paragraphs (b) and (c) of this Regulation, provided that they comply fully with the requirements for lifeboats of this Chapter, and for the purposes of Regulation 8 provided that in addition they comply fully with the requirements of Regulation 9 and where appropriate Regulation 14. They shall be kept ready for immediate use while the ship is at sea. In ships in which the requirements of paragraph (h) of Regulation 29 are met by means of appliances fitted to the sides of the lifeboats, such appliances shall not be required to be fitted to the two boats provided to meet the requirements of this Regulation.

(b) Passenger ships engaged on international voyages which are not short international voyages shall carry:—

- (i) lifeboats on each side of such aggregate capacity as will accommodate half the total number of persons on board.

Provided that the Administration may permit the substitution of lifeboats by liferafts of the same total capacity so however that there shall never be less than sufficient lifeboats on each side of the ship to accommodate $37\frac{1}{2}$ per cent. of all on board.

- (ii) Liferafts of sufficient aggregate capacity to accommodate 25 per cent. of the total number of persons on board, together with buoyant apparatus for 3 per cent. of that number.

Provided that ships which have a factor of subdivision of 0.33 or less shall be permitted to carry, in lieu of liferafts for 25 per cent of all on board and buoyant apparatus for 3 per cent of all on board, buoyant apparatus for 25 per cent. of that number.

(c) (i) A passenger ship engaged on short international voyages shall be provided with sets of davits in accordance with its length as specified in Column A of the Table in Regulation 28 of this Chapter. Each set of davits shall have a lifeboat attached to it and these lifeboats shall provide at least the minimum capacity required by Column C of the Table or the capacity required to provide accommodation for all on board if this is less.

Provided that when in the opinion of the Administration it is impracticable or unreasonable to place on a ship engaged on short international voyages the number of sets of davits required by Column A of the Table in Regulation 28, the Administration may authorise, under exceptional conditions, a smaller number of davits, except that this number shall never be less than the minimum number fixed by Column B of the Table, and that the total capacity of the lifeboats on the ship will be at least equal to the minimum capacity required by Column C or the capacity required to provide for all persons on board if this is less.

(ii) If the lifeboats so provided are not sufficient to accommodate all on board, additional lifeboats under davits or liferafts shall be provided so that the accommodation provided in the lifeboats and the liferafts in the ship shall be sufficient for all on board.

(iii) Notwithstanding the provisions of sub-paragraph (c) (ii) in any ship engaged on short international voyages the number of persons carried shall not exceed the total capacity of the lifeboats provided in accordance with sub-paragraphs (c) (i) and (c) (ii) of this Regulation unless the Administration considers that this is necessitated by the volume of traffic and then only if the ship complies with the provisions of paragraph (d) of Regulation 1 of Chapter II.

(iv) Where under the provisions of sub-paragraph (c) (iii) the Administration has permitted the carriage of persons in excess of the lifeboat capacity and is satisfied that it is impracticable in that ship to stow the liferafts carried in accordance with sub-paragraph (c) (ii) it may permit a reduction in the number of lifeboats.

Provided that;

(1) the number of lifeboats shall, in the case of ships of 190 feet (or 58 metres) in length and over, never be less than four, two of which shall be carried on each side of the ship, and in the case of ships of less than 190 feet (or 58 metres) in length, shall never be less than two, one of which shall be carried on each side of the ship; and

(2) the number of lifeboats and liferafts shall always be sufficient to accommodate the total number of persons on board.

(v) Every passenger ship engaged on short international voyages shall carry in addition to the lifeboats and liferafts required by the provisions of this paragraph, liferafts sufficient to accommodate 10 per cent. of the total number of persons for whom there is accommodation in the lifeboats carried in that ship.

(vi) Every passenger ship engaged on short international voyages shall also carry buoyant apparatus for at least 5 per cent. of the total number of persons on board.

(vii) The Administration may permit individual ships or classes of ships with short international voyage certificates to proceed on voyages in excess of 600 miles but not exceeding 1,200 miles if such ships comply with the provisions of paragraph (d) of Regulation 1 of Chapter II, if they carry lifeboats which provide for 75 per cent. of the persons on board and otherwise comply with the provisions of this paragraph.

Regulation 28

Table relating to Davits and Lifeboat Capacity for Ships on Short International Voyages

The following table fixes according to the length of the ship—

- (A) the minimum number of sets of davits to be provided on a ship engaged on short international voyages to each of which must be attached a lifeboat in accordance with Regulation 27 of this Chapter;
- (B) the smaller number of sets of davits which may be authorised exceptionally on a ship engaged on short international voyages under Regulation 27; and
- (C) the minimum lifeboat capacity required for a ship engaged on short international voyages.

Registered Length of Ship				(A) Minimum Number of Sets of Davits	(B) Smaller Number of Sets of Davits authorised exceptionally	(C) Minimum Capacity of Lifeboats	
Feet		Metres				Cubic Feet	Cubic Metres
100 and under	120	31 and under	37	2	2	400	11
120	"	140	37	2	2	650	18
140	"	160	43	2	2	900	26
160	"	175	49	3	3	1,150	33
175	"	190	53	3	3	1,350	38
190	"	205	58	4	4	1,550	44
205	"	220	63	4	4	1,750	50
220	"	230	67	5	4	1,850	52
230	"	245	70	5	4	2,150	61
245	"	255	75	6	5	2,400	68
255	"	270	78	6	5	2,700	76
270	"	285	82	7	5	3,000	85
285	"	300	87	7	5	3,300	94
300	"	315	91	8	6	3,600	102
315	"	330	96	8	6	3,900	110
330	"	350	101	9	7	4,300	122
350	"	370	107	9	7	4,750	135
370	"	390	113	10	7	5,150	146
390	"	410	119	10	7	5,550	157
410	"	435	125	12	9	6,050	171
435	"	460	133	12	9	6,550	185
460	"	490	140	14	10	7,150	202
490	"	520	149	14	10	7,800	221
520	"	550	159	16	12	8,400	238

Note on (C).—Where the length of the ship is under 100 feet (or 31 metres) or over 550 feet (or 168 metres) the minimum number of sets of davits and the cubic capacity of the lifeboats shall be prescribed by the Administration.

Regulation 29*Stowage and Handling of Lifeboats, Liferafts and Buoyant Apparatus*

(a) Lifeboats and liferafts shall be stowed to the satisfaction of the Administration in such a way that:—

- (i) they can all be launched in the shortest possible time and in not more than 30 minutes;
- (ii) they will not impede in any way the prompt handling of any of the other lifeboats, liferafts or buoyant apparatus or the marshalling of the persons on board at the launching stations, or their embarkation;
- (iii) the lifeboats, and the liferafts for which approved launching devices are required to be carried, shall be capable of being put into the water loaded with their full complement of persons and equipment even in unfavourable conditions of trim and of 15 degrees of list either way; and
- (iv) the liferafts for which approved launching devices are not required to be carried, and the buoyant apparatus, shall be capable of being put into the water even in unfavourable conditions of trim and of 15 degrees of list either way.

(b) Every lifeboat shall be attached to a separate set of davits.

(c) Lifeboats may only be stowed on more than one deck if proper measures are taken to prevent lifeboats on a lower deck being fouled by those stowed on a deck above.

(d) Lifeboats, and liferafts for which approved launching devices are required to be carried shall not be placed in the bow of the ship. They shall be stowed in such positions as to ensure safe launching having particular regard to clearance from the propeller and steeply overhanging portions of the hull aft.

(e) Davits shall be of approved design and shall be suitably placed to the satisfaction of the Administration. They shall be so disposed on one or more decks that the lifeboats placed under them can be safely lowered without interference from the operation of any other davits.

(f) Davits shall be as follows:—

- (i) luffing or gravity type for operating lifeboats weighing not more than $2\frac{1}{4}$ tons (or 2,300 kilogrammes) in their turning out condition;
- (ii) gravity type for operating lifeboats weighing more than $2\frac{1}{4}$ tons (or 2,300 kilogrammes) in their turning out condition.

(g) Davits, falls, blocks and all other gear shall be of such strength that the lifeboats can be turned out manned by a launching crew and then safely lowered with the full complement of persons and equipment, with the ship listed to 15 degrees either way and with a 10 degrees trim.

(h) Skates or other suitable means shall be provided to facilitate launching the lifeboats against a list of 15 degrees.

(i) Means shall be provided for bringing the lifeboats against the ship's side and there holding them so that persons may be safely embarked.

(j) Lifeboats, together with the emergency boats required by Regulation 27 of this Chapter, shall be served by wire rope falls, together with winches of an approved type which, in the case of the emergency boats, shall be capable of quick recovery of those boats. Exceptionally, the Administration may allow manila rope falls or falls of another approved material with or without winches (except that the emergency boats shall be required to be served by winches which are capable of quick recovery of those boats) where they are satisfied that manila rope falls or falls of another approved material are adequate.

(k) At least two lifelines shall be fitted to the davit span, and the falls and lifelines shall be long enough to reach the water with the ship at its lightest sea-going draught and listed to 15 degrees either way. Lower fall blocks shall be fitted with a suitable ring or long link for attaching to the sling hooks unless an approved type of disengaging gear is fitted.

(l) Where mechanically-powered appliances are fitted for the recovery of the lifeboats, efficient hand gear shall also be provided. Where davits are recovered by action of the falls by power, safety devices shall be fitted which will automatically cut off the power before the davits come against the stops in order to avoid overstressing the wire rope falls or davits.

(m) Lifeboats attached to davits shall have the falls ready for service and arrangements shall be made for speedily, but not necessarily simultaneously, detaching the lifeboats from the falls. The point of attachment of the lifeboats to the falls shall be at such height above the gunwale as to ensure stability when lowering the lifeboats.

(n) (i) In passenger ships engaged on international voyages which are not short international voyages in which there are carried lifeboats and liferafts in accordance with sub-paragraph (b) (i) of Regulation 27 of this Chapter, there shall be provided approved launching devices sufficient in number in the opinion of the Administration to enable that number of liferafts which, together with the lifeboats, is required in accordance with that sub-paragraph to provide accommodation for all on board, to be put into the water loaded

with the number of persons they are permitted to accommodate, in not more than thirty minutes in calm conditions. Approved launching devices so provided shall, so far as practicable, be distributed equally on each side of the ship and there shall never be less than one such device on each side. No such devices need, however, be provided for the additional liferafts required to be carried by sub-paragraph (b) (ii) of Regulation 27 of this Chapter for 25 per cent. of all on board, but every liferaft carried in accordance with that sub-paragraph shall, where an approved launching device is provided in the ship, be of a type which is capable of being launched from such a device.

(ii) In passenger ships engaged on short international voyages, the number of approved launching devices to be provided shall be at the discretion of the Administration. The number of liferafts allocated to each such device carried shall not be more than the number which, in the opinion of the Administration, can be put into the water fully loaded with the number of persons they are permitted to carry by that device in not more than 30 minutes in calm conditions.

Regulation 30

Lighting for Decks, Lifeboats, Liferafts, &c.

(a) Provision shall be made for an electric or equivalent system of lighting sufficient for all the requirements of safety in the different parts of a passenger ship, and particularly for decks on which the lifeboats and liferafts are stowed. The self-contained emergency source of electrical power required by Regulation 25 of Chapter II shall be capable of supplying where necessary this lighting system and also the lighting required by sub-paragraphs (a) (ii), (b) (ii) and (b) (iii) of Regulation 19 of this Chapter.

(b) The exit from every main compartment occupied by passengers or crew shall be continuously lighted by an emergency lamp. The power for these emergency lamps shall be so arranged that they will be supplied from the emergency source of power referred to in paragraph (a) of this Regulation in the event of failure of the main generating plant.

Regulation 31

Manning of Lifeboats and Liferafts

(a) A deck officer or certificated lifeboatman shall be placed in charge of each lifeboat and a second-in-command shall also be nominated. The person in charge shall have a list of the lifeboat's crew, and shall see that the men placed under his orders are acquainted with their several duties.

(b) A man capable of working the motor shall be assigned to each motor lifeboat.

(c) A man capable of working the radio and searchlight installations shall be assigned to each lifeboat carrying this equipment.

(d) A man practised in the handling and operation of liferafts shall be assigned to each liferaft carried, except where in ships engaged on short international voyages the Administration is satisfied that this is not practicable.

Regulation 32

Certificated Lifeboatmen

(a) In passenger ships there shall be, for every lifeboat carried in order to comply with this Chapter, a number of lifeboatmen at least equal to that specified in the following table:—

<i>Prescribed Complement of Lifeboat</i>	<i>The Minimum Number of Certificated Lifeboatmen shall be</i>				
Less than 41 persons	2
From 41 to 61 persons	3
From 62 to 85 persons	4
Above 85 persons	5

(b) The allocation of the certificated lifeboatmen to each lifeboat remains within the discretion of the master.

(c) Certificates of efficiency shall be issued under the authority of the Administration. In order to obtain such a certificate an applicant shall prove that he has been trained in all the operations connected with launching lifeboats and other life-saving appliances and in the use of oars and propelling gear; that he is acquainted with the practical handling of lifeboats and of other life-saving equipment, and further, that he is capable of understanding and answering the orders relative to all kinds of life-saving appliances.

Regulation 33

Buoyant Apparatus

(a) No type of buoyant apparatus shall be approved unless it satisfies the following conditions:—

- (i) It shall be of such size and strength that it can be thrown from the place where it is stowed into the water without being damaged.
- (ii) It shall not exceed 400 lbs. in weight (or 180 kilogrammes) unless suitable means to the satisfaction of the Administration are provided to enable it to be launched without lifting by hand.
- (iii) It shall be of approved material and construction.
- (iv) It shall be effective and stable when floating either way up.
- (v) The air cases or equivalent buoyancy shall be placed as near as possible to the sides of the apparatus, and such buoyancy shall not be dependent upon inflation.

(vi) It shall be fitted with a painter and have a line securely becketed round the outside.

(b) The number of persons for which buoyant apparatus is certified shall be the number,

(i) ascertained by dividing the number of pounds of iron which it is capable of supporting in fresh water by 32 (or the number of kilogrammes divided by 14·5), or

(ii) equal to the number of feet (equivalent to 30·5 centimetres) in the perimeter,

whichever is the less.

Regulation 34

Number of Lifebuoys to be Provided

The minimum number of lifebuoys with which passenger ships are provided shall be fixed by the following table:—

<i>Length of Ship</i> <i>in Feet</i>	<i>in Metres</i>	<i>Minimum Number</i> <i>of Buoys</i>
Under 200	Under 61	8
200 and under 400	61 and under 122	12
400 and under 600	122 and under 183	18
600 and under 800	183 and under 244	24
800 and over	244 and over	30

PART C.—CARGO SHIPS ONLY

Regulation 35

Number and Capacity of Lifeboats and Liferafts

(a) (i) Every cargo ship, except tankers of 1,600 tons gross tonnage and upwards, ships employed as whale factory ships, fish processing or canning factory ships, and ships engaged in the carriage of persons employed in the whaling, fish processing or canning industries, shall carry lifeboats on each side of the ship of such aggregate capacity as will accommodate all persons on board, and in addition shall carry liferafts sufficient to accommodate half that number.

Provided that, in the case of such cargo ships engaged on international voyages between near neighbouring countries, the Administration, if it is satisfied that the conditions of the voyage are such as to render the compulsory carriage of liferafts unreasonable or unnecessary, may to that extent exempt individual ships or classes of ships from this requirement.

(ii) Every tanker of 1,600 tons gross tonnage and upwards shall carry lifeboats on each side of the ship of such aggregate capacity as will accommodate all persons on board.

(b) (i) Every ship employed as a whale factory ship, every ship employed as a fish processing or canning factory ship and every ship engaged in the carriage of persons employed in the whaling, fish processing or canning industries shall carry—

- (1) Lifeboats on each side of such aggregate capacity as will accommodate half the total number of persons on board.

Provided that the Administration may permit the substitution of lifeboats by liferafts of the same total capacity so however that there shall never be less than sufficient lifeboats on each side of the ship to accommodate $37\frac{1}{2}$ per cent. of all on board.

- (2) Liferafts of sufficient aggregate capacity to accommodate half the total number of persons on board.

Provided that, if in ships employed as fish processing or canning factory ships, it is impracticable to carry lifeboats which comply fully with the requirements of this Chapter, the Administration may permit instead the carriage of other boats, which shall however provide not less than the accommodation required by this Regulation and shall have at least the buoyancy and equipment required by this Chapter for lifeboats.

(ii) Every ship employed as a whale factory ship, every ship employed as a fish processing or canning factory ship and every ship engaged in the carriage of persons employed in the whaling, fish processing or canning industries shall carry two boats—one on each side—for use in an emergency. These boats shall be of an approved type and shall be not more than 28 feet (or $8\frac{1}{2}$ metres) in length. They may be counted for the purposes of this paragraph provided that they comply fully with the requirements for lifeboats of this Chapter and for the purposes of Regulation 8 provided that in addition they comply with the requirements of Regulation 9, and, where appropriate, Regulation 14. They shall be kept ready for immediate use while the ship is at sea. In ships in which the requirements of paragraph (g) of Regulation 36 are met by means of appliances fitted to the sides of the lifeboats, such appliances shall not be required to be fitted to the two boats provided to meet the requirements of this Regulation.

(c) Every tanker of 3,000 tons gross tonnage and upwards shall carry not less than four lifeboats. Two lifeboats shall be carried aft and two amidships, except that in tankers which have no amidships superstructure all lifeboats shall be carried aft.

Provided that, if in the case of tankers with no amidships superstructure it is impracticable to carry four lifeboats aft, the Administration may permit

instead the carriage aft of one lifeboat on each side of the ship. In such a case:—

- (i) each such lifeboat shall not exceed 26 feet (or 8 metres) in length;
- (ii) each such lifeboat shall be stowed as far forward as practicable, but at least so far forward that the after end of the lifeboat is one-and-a-half times the length of the lifeboat forward of the propeller;
- (iii) each lifeboat shall be stowed as near the sea level as is safe and practicable; and
- (iv) there shall be carried in addition liferafts sufficient to accommodate at least one-half of the total number of persons on board.

Regulation 36

Davits and Launching Arrangements

(a) In cargo ships lifeboats and liferafts shall be stowed to the satisfaction of the Administration.

(b) Every lifeboat shall be attached to a separate set of davits.

(c) Lifeboats, and liferafts for which approved launching devices are required to be carried, shall not be placed in the bow of the ship. They shall be stowed in such positions as to ensure safe launching, having particular regard to clearance from the propeller and steeply overhanging portions of the hull aft, with the object of ensuring so far as practicable that they are capable of being launched down the straight side of the ship.

(d) Davits shall be of approved design and shall be suitably placed to the satisfaction of the Administration.

(e) In tankers of 1,600 tons gross tonnage and upwards, ships employed as whale factory ships, ships employed as fish processing or canning factory ships and ships engaged in the carriage of persons employed in the whaling, fish processing or canning industries, all davits shall be of the gravity type. In other ships, davits shall be as follows:—

(i) luffing or gravity type for operating lifeboats weighing not more than $2\frac{1}{4}$ tons (or 2,300 kilogrammes) in their turning out condition;

(ii) gravity type for operating lifeboats weighing more than $2\frac{1}{4}$ tons (or 2,300 kilogrammes) in their turning out condition.

(f) Davits, falls, blocks and all other gear shall be of such strength that the lifeboats can be turned out manned by a launching crew and then safely lowered with the full complement of persons and equipment, with the ship listed to 15 degrees either way, and with a 10 degrees trim.

(g) Skates or other suitable means shall be provided to facilitate launching the lifeboats against a list of 15 degrees.

(h) Means shall be provided for bringing the lifeboats against the ship's side and there holding them so that persons may be safely embarked.

(i) Lifeboats, together with the emergency boats required by sub-paragraph (b) (ii) of Regulation 35 of this Chapter, shall be served by wire rope falls, together with winches of an approved type which, in the case of the emergency boats, shall be capable of quick recovery of those boats. Exceptionally, the Administration may allow manila rope falls or falls of another approved material with or without winches (except that the emergency boats shall be required to be served by winches which are capable of quick recovery of those boats) where they are satisfied that manila rope falls or falls of another approved material are adequate.

(j) At least two lifelines shall be fitted to the davit spans, and the falls and lifelines shall be long enough to reach the water with the ship at its lightest sea-going draught and listed to 15 degrees either way. Lower fall blocks shall be fitted with a suitable ring or long link for attaching to the sling hooks unless an approved type of disengaging gear is fitted.

(k) Where mechanically powered appliances are fitted for the recovery of the lifeboats, efficient hand gear shall also be provided. Where davits are recovered by action of the falls by power, safety devices shall be fitted which will automatically cut off the power before the davits come against the stops in order to avoid overstressing the wire rope falls or davits.

(l) Lifeboats shall have the falls ready for service, and arrangements shall be made for speedily, but not necessarily simultaneously, detaching the lifeboats from the falls. The point of attachment of the lifeboats to the falls shall be at such height above the gunwale as to ensure stability when lowering the lifeboats.

(m) In ships employed as whale factory ships, ships employed as fish processing or canning factory ships and ships engaged in the carriage of persons employed in the whaling, fish processing or canning industries, in which there are carried lifeboats and liferafts in accordance with sub-paragraph (i) (2) of paragraph (b) of Regulation 35 no approved launching devices need be provided for the liferafts, but there shall be provided such devices sufficient in number, in the opinion of the Administration, to enable the liferafts carried in accordance with sub-paragraph (i) (1) of that paragraph to be put into the water loaded with the number of persons they are permitted to accommodate, in not more than 30 minutes in calm conditions. Approved launching devices so provided shall, so far as practicable, be distributed equally on each side of the ship. Every liferaft carried on ships in which an approved launching device is required to be provided shall be of a type which is capable of being launched by such a device.

Regulation 37*Number of Lifebuoys to be Provided*

At least eight lifebuoys of a type which satisfies the requirements of Regulation 21 of this Chapter shall be carried.

Regulation 38*Emergency Lighting*

The lighting required by sub-paragraphs (a) (ii), (b) (ii) and (b) (iii) of Regulation 19 of this Chapter shall be capable of being supplied for at least three hours by the emergency source of power required by Regulation 26 of Chapter II. In cargo ships of 1,600 tons gross tonnage and upwards the Administration shall ensure that the lighting of the alleyways, stairways and exits is such that the access of all persons on board to the launching stations and stowage positions of lifeboats and liferafts is not impeded.

CHAPTER IV.—RADIOTELEGRAPHY AND RADIOTELEPHONY**PART A.—APPLICATION AND DEFINITIONS****Regulation 1***Application*

(a) Unless expressly provided otherwise, this Chapter applies to all ships to which the present Regulations apply.

(b) This Chapter does not apply to ships to which the present Regulations would otherwise apply while such ships are being navigated within the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the St. Lambert Lock at Montreal in the Province of Quebec, Canada.*

(c) No provision in this Chapter shall prevent the use by a ship or survival craft in distress of any means at its disposal to attract attention, make known its position and obtain help.

Regulation 2*Terms and Definitions*

For the purpose of this Chapter the following terms shall have the meanings defined below. All other terms which are used in this Chapter and which are also defined in the Radio Regulations shall have the same meanings as defined in those Regulations:

- (a) "Radio Regulations" means the Radio Regulations annexed to, or regarded as being annexed to, the most recent International Telecommunication Convention which may be in force at any time.
- (b) "Radiotelegraph auto alarm" means an automatic alarm receiving apparatus which responds to the radiotelegraph alarm signal and has been approved.
- (c) "Radio officer" means a person holding at least a first or second class radiotelegraph operator's certificate complying with the provisions of the Radio Regulations, who is employed in the radiotelegraph station of a ship which is provided with such a station in compliance with the provisions of Regulation 3 or Regulation 4 of this Chapter.

* Such ships are subject to special requirements relative to radio for safety purposes, the present requirements being contained in the United States-Canadian agreement of 1952, entitled: "Promotion of Safety on the Great Lakes by Means of Radio."

- (d) "Radiotelephone operator" means a person holding an appropriate certificate complying with the provisions of the Radio Regulations.
- (e) "Existing installation" means:—
- (i) an installation wholly installed on board a ship before the date on which the present Convention comes into force, irrespective of the date on which acceptance by the respective Administration takes effect; and
 - (ii) an installation part of which was installed on board a ship before the date of coming into force of the present Convention and the rest of which consists either of parts installed in replacement of identical parts, or parts which comply with the requirements of this Chapter.
- (f) "New installation" means any installation which is not an existing installation.

Regulation 3

Radiotelegraph Station

Passenger ships irrespective of size and cargo ships of 1,600 tons gross tonnage and upwards, unless exempted under Regulation 5 of this Chapter, shall be fitted with a radiotelegraph station complying with the provisions of Regulations 8 and 9 of this Chapter.

Regulation 4

Radiotelephone Station

Cargo ships of 300 tons gross tonnage and upwards but less than 1,600 tons gross tonnage, unless fitted with a radiotelegraph station complying with the provisions of Regulations 8 and 9 of this Chapter shall, provided they are not exempted under Regulation 5 of this Chapter, be fitted with a radiotelephone station complying with the provisions of Regulations 14 and 15 of this Chapter.

Regulation 5

Exemptions from Regulations 3 and 4

(a) The Contracting Governments consider it highly desirable not to deviate from the application of Regulations 3 and 4 of this Chapter; nevertheless the Administration may grant to individual passenger or cargo ships exemptions of a partial and/or conditional nature, or complete exemption from the requirements of Regulation 3 or Regulation 4 of this Chapter.

(b) The exemptions permitted under paragraph (a) of this Regulation shall be granted only to a ship engaged on a voyage where the maximum distance of the ship from the shore, the length of the voyage, the absence of general navigational hazards, and other conditions affecting safety are such as to render the full application of Regulation 3 or Regulation 4 of this Chapter unreasonable or unnecessary. When deciding whether or not to grant exemptions to individual ships, Administrations shall have regard to the effect that exemptions may have upon the general efficiency of the distress service for the safety of all ships. Administrations should bear in mind the desirability of requiring ships which are exempted from the requirement of Regulation 3 of this Chapter to be fitted with a radiotelephone station which complies with the provisions of Regulations 14 and 15 of this Chapter as a condition of exemption.

(c) Each Administration shall submit to the Organization as soon as possible after the first of January in each year a report showing all exemptions granted under paragraphs (a) and (b) of this Regulation during the previous calendar year and giving the reasons for granting such exemptions.

PART B.—WATCHES

Regulation 6

Watches—Radiotelegraph

(a) Each ship which in accordance with Regulation 3 or Regulation 4 of this Chapter is fitted with a radiotelegraph station shall, while at sea, carry at least one radio officer and, if not fitted with a radiotelegraph auto alarm, shall, subject to the provisions of paragraph (d) of this Regulation, listen continuously on the radiotelegraph distress frequency by means of a radio officer using headphones or a loud-speaker.

(b) Each passenger ship which in accordance with Regulation 3 of this Chapter is fitted with a radiotelegraph station, if fitted with a radiotelegraph auto alarm, shall, subject to the provisions of paragraph (d) of this Regulation, and while at sea, listen on the radiotelegraph distress frequency by means of a radio officer using headphones or a loud-speaker, as follows:—

- (i) if carrying or certificated to carry 250 passengers or less, at least 8 hours listening a day in the aggregate;
- (ii) if carrying or certificated to carry more than 250 passengers and engaged on a voyage exceeding 16 hours duration between two consecutive ports, at least 16 hours listening a day in the aggregate. In this case the ship shall carry at least two radio officers;
- (iii) if carrying or certificated to carry more than 250 passengers and engaged on a voyage of less than 16 hours duration between two consecutive ports, at least 8 hours listening a day in the aggregate.

(c) (i) Each cargo ship which in accordance with Regulation 3 of this Chapter is fitted with a radiotelegraph station, if fitted with a radiotelegraph auto alarm, shall, subject to the provisions of paragraph (d) of this Regulation, and while at sea, listen on the radiotelegraph distress frequency by means of a radio officer using headphones or a loud-speaker, for at least 8 hours a day in the aggregate. However, Administrations may on cargo ships of 1,600 tons gross tonnage and upwards but less than 3,500 tons gross tonnage permit the hours of listening to be limited to not less than 2 hours a day in the aggregate for a period of three years from the date of coming into force of the present Convention.

(ii) Each cargo ship of 300 tons gross tonnage and upwards but less than 1,600 tons gross tonnage which is fitted with a radiotelegraph station as a consequence of Regulation 4 of this Chapter, if fitted with a radiotelegraph auto alarm shall, subject to the provisions of paragraph (d) of this Regulation, and while at sea, listen on the radiotelegraph distress frequency by means of a radio officer using headphones or a loud-speaker, during such periods as may be determined by the Administration. Administrations shall, however, have regard to the desirability of requiring, whenever practicable, a listening watch of at least 8 hours a day in the aggregate.

(d) During the period when a radio officer is required by this Regulation to listen on the radiotelegraph distress frequency the radio officer may discontinue such listening during the time when he is handling traffic on other frequencies, or performing other essential radio duties, but only if it is impracticable to listen by split headphones or loud-speaker. The listening watch shall always be maintained by a radio officer using headphones or loud-speaker during the silence periods provided for by the Radio Regulations.

(e) In all ships fitted with a radiotelegraph auto alarm this radiotelegraph auto alarm shall, while the ship is at sea, be in operation whenever there is no listening being kept under paragraphs (b), (c) or (d) of this Regulation and, whenever practicable, during direction-finding operations.

(f) The listening periods provided for by this Regulation, including those which are determined by the Administration, should be maintained preferably during periods prescribed for the radiotelegraph service by the Radio Regulations.

Regulation 7

Watches—Radiotelephone

(a) Each ship which is fitted with a radiotelephone station in accordance with Regulation 4 of this Chapter shall, for safety purposes, carry at least one radiotelephone operator (who may be the master, an officer or a member of the crew holding only a certificate for radiotelephony) and shall, subject to the provisions of paragraph (b) of this Regulation, while at sea, maintain

continuous listening watch on the radiotelephone distress frequency, in the place on board from which the ship is usually navigated, using a loud-speaker or other appropriate means.

(b) Listening may be discontinued

- (i) when the receiving equipment is being used for traffic on another frequency and a second receiver is not available; or
- (ii) when, in the opinion of the master, conditions are such that maintenance of the listening watch would interfere with the safe navigation of the ship.

Listening watch should, however, as far as possible be maintained during the silence periods provided for in the Radio Regulations.

PART C.—TECHNICAL REQUIREMENTS

Regulation 8

Radiotelegraph Stations

(a) The radiotelegraph station shall be so located that no harmful interference from extraneous mechanical or other noise will be caused to the proper reception of radio signals. The station shall be placed as high in the ship as is practicable, so that the greatest possible degree of safety may be secured.

(b) The radiotelegraph operating room shall be of sufficient size and of adequate ventilation to enable the main and reserve radiotelegraph installations to be operated efficiently, and shall not be used for any purpose which will interfere with the operation of the radiotelegraph station.

(c) The sleeping accommodation of at least one radio officer shall be situated as near as practicable to the radiotelegraph operating room. In new ships, this sleeping accommodation shall not be within the radiotelegraph operating room.

(d) There shall be provided between the radiotelegraph operating room and the bridge and one other place, if any, from which the ship is navigated, an efficient two-way system for calling and voice communication which shall be independent of the main communication system on the ship.

(e) The radiotelegraph installation shall be installed in such a position that it will be protected against the harmful effects of water or extremes of temperature. It shall be readily accessible both for immediate use in case of distress and for repair.

(f) A reliable clock with a dial not less than five inches (or 12·5 centimetres) in diameter and a concentric seconds hand, the face of which is marked to indicate the silence periods prescribed for the radiotelegraph service by the Radio Regulations, shall be provided. It shall be securely mounted in the radiotelegraph operating room in such a position that the entire dial can be easily and accurately observed by the radio officer from the radiotelegraph operating position and from the position for testing the radiotelegraph auto alarm receiver.

(g) A reliable emergency light shall be provided in the radiotelegraph operating room, consisting of an electric lamp permanently arranged so as to provide satisfactory illumination of the operating controls of the main and reserve radiotelegraph installations and of the clock required by paragraph (f) of this Regulation. In new installations, this lamp shall, if supplied from the reserve source of energy required by sub-paragraph (iii) of paragraph (a) of Regulation 9 of this Chapter, be controlled by two-way switches placed near the main entrance to the radiotelegraph operating room and at the radiotelegraph operating position, unless the layout of the radiotelegraph operating room does not warrant it. These switches shall be clearly labelled to indicate their purpose.

(h) Either an electric inspection lamp, operated from the reserve source of energy required by sub-paragraph (iii) of paragraph (a) of Regulation 9 of this Chapter and provided with a flexible lead of adequate length, or a flashlight shall be provided and kept in the radiotelegraph operating room.

(i) The radiotelegraph station shall be provided with such spare parts, tools and testing equipment as will enable the radiotelegraph installation to be maintained in efficient working condition while at sea. The testing equipment shall include an instrument or instruments for measuring A.C. volts, D.C. volts and ohms.

(j) If a separate emergency radiotelegraph operating room is provided the requirements of paragraphs (d), (e), (f), (g) and (h) of this Regulation shall apply to it.

Regulation 9

Radiotelegraph Installations

(a) Except as otherwise expressly provided in this Regulation—

- (i) The radiotelegraph station shall include a main installation and a reserve installation, electrically separate and electrically independent of each other.
- (ii) The main installation shall include a main transmitter, main receiver and main source of energy.
- (iii) The reserve installation shall include a reserve transmitter, reserve receiver and reserve source of energy.
- (iv) A main and a reserve aerial shall be provided and installed, provided that the Administration may except any ship from the provision of a reserve aerial if it is satisfied that the fitting of such an aerial is impracticable or unreasonable, but in such case a suitable spare aerial completely assembled for immediate installation shall be carried. In addition, sufficient aerial wire and insulators shall in all cases be provided to enable a suitable aerial to be erected.

The main aerial, if suspended between supports liable to whipping, shall be suitably protected against breakage.

(b) In installations on cargo ships (except those on cargo ships of 1,600 tons gross tonnage and upwards installed on or after 19 November, 1952),

if the main transmitter complies with all the requirements for the reserve transmitter, the latter is not obligatory.

(c) (i) The main and reserve transmitters shall be capable of being quickly connected with and tuned to the main aerial, and the reserve aerial if one is fitted.

(ii) The main and reserve receivers shall be capable of being quickly connected with any aerial with which they are required to be used.

(d) All parts of the reserve installation shall be placed as high in the ship as is practicable, so that the greatest possible degree of safety may be secured.

(e) The main and reserve transmitters shall be capable of transmitting on the radiotelegraph distress frequency using a class of emission assigned by the Radio Regulations for that frequency. In addition, the main transmitter shall be capable of transmitting on at least two of the frequencies, and of using a class of emission, which, in accordance with the Radio Regulations, may be used for the transmission of safety messages in the bands between 405 kc/s and 535 kc/s. The reserve transmitter may consist of a ship's emergency transmitter, as defined in, and limited in use by, the Radio Regulations.

(f) The main and reserve transmitters shall, if modulated emission is prescribed by the Radio Regulations, have a depth of modulation of not less than 70 per cent. and a note frequency between 450 and 1,350 cycles per second.

(g) The main and reserve transmitters shall, when connected to the main aerial, have a minimum normal range as specified below, that is to say, they must be capable of transmitting clearly perceptible signals from ship to ship by day and under normal conditions and circumstances over the specified ranges* (Clearly perceptible signals will normally be received if the R.M.S. value of the field strength at the receiver is at least 50 microvolts per metre.)

* In the absence of a direct measurement of the field strength the following data may be used as a guide for approximately determining the normal range:

Normal range in miles	Metre-amperes†	Total aerial power (watts)‡
200	128	200
175	102	125
150	76	71
125	58	41
100	45	25
75	34	14

† This figure represents the product of the maximum height of the aerial above the deepest load water line in metres and the aerial current in amperes (R.M.S. value).

(Footnote continued on page 298)

	Minimum normal range in miles	
	Main transmitter	Reserve transmitter
All passenger ships, and cargo ships of 1,600 tons gross tonnage and upwards ...	150	100
Cargo ships below 1,600 tons gross tonnage ...	100	75

(h) (i) The main and reserve receivers shall be capable of receiving the radiotelegraph distress frequency and the class of emission assigned by the Radio Regulations for that frequency.

(ii) In addition, the main receiver shall permit the reception of such of the frequencies and classes of emission used for the transmission of time signals, meteorological messages and such other communications relating to safety of navigation as may be considered necessary by the Administration.

(iii) For a period not exceeding five years from the date of coming into force of the present Convention, the radiotelegraph auto alarm receiver may be used as the reserve receiver if capable of effectively producing signals in headphones or a loud-speaker with which it is connected for this purpose. When so used, it shall be connected to the reserve source of energy.

(i) The main receiver shall have sufficient sensitivity to produce signals in headphones or by means of a loud-speaker when the receiver input is as low as 50 microvolts. The reserve receiver shall, except in cases where a radiotelegraph auto alarm receiver is used for this purpose, have sufficient sensitivity to produce such signals when the receiver input is as low as 100 microvolts.

(j) There shall be available at all times, while the ship is at sea, a supply of electrical energy sufficient to operate the main installation over the normal range required by paragraph (g) of this Regulation as well as for the purpose of charging any batteries forming part of the radiotelegraph station. The voltage of the supply for the main installation shall, in the case of new ships, be maintained within ± 10 per cent. of the rated voltage. In the case of

The values given in the second column of the table correspond to an average value of the ratio

$$\frac{\text{effective aerial height}}{\text{maximum aerial height}} = 0.47$$

This ratio varies with local conditions of the aerial and may vary between about 0.3 and 0.7

‡ The values given in the third column of the table correspond to an average value of the ratio

$$\frac{\text{radiated aerial power}}{\text{total aerial power}} = 0.08$$

This ratio varies considerably according to the values of effective aerial height and aerial resistance.

existing ships, it shall be maintained as near the rated voltage as possible and, if practicable, within ± 10 per cent.

(k) The reserve installation shall be provided with a source of energy independent of the propelling power of the ship and of the ship's electrical system. The Administration may delay the application of the requirement for a reserve source of energy for a period not exceeding three years from the date of coming into force of the present Convention, in the case of existing installations on those cargo ships of 500 tons gross tonnage and upwards but less than 1,600 tons gross tonnage which were excepted, prior to the date of the coming into force of the present Convention, from the requirement to be provided with a reserve source of energy.

(l) The reserve source of energy shall preferably consist of accumulator batteries, which may be charged from the ship's electrical system, and shall under all circumstances be capable of being put into operation rapidly and of operating the reserve transmitter and receiver for at least six hours continuously under normal working conditions besides any of the additional loads mentioned in paragraphs (m) and (n) of this Regulation*.

(m) The reserve source of energy shall be used to supply the reserve installation and the automatic alarm signal keying device specified in paragraph (r) of this Regulation if it is electrically operated.

The reserve source of energy may also be used to supply:—

- (i) the radiotelegraph auto alarm;
- (ii) the emergency light specified in paragraph (g) of Regulation 8 of this Chapter;
- (iii) the direction-finder;
- (iv) any device, prescribed by the Radio Regulations, to permit change-over from transmission to reception and *vice versa*.

Subject to the provisions of paragraph (n) of this Regulation, the reserve source of energy shall not be used other than for the purposes specified in this paragraph.

(n) Notwithstanding the provisions of paragraph (m) of this Regulation, the Administration may authorise the use in cargo ships of the reserve source of energy for a small number of low-power emergency circuits which are wholly confined to the upper part of the ship, such as emergency lighting on the boat deck, on condition that these can be readily disconnected if necessary, and that the source of energy is of sufficient capacity to carry the additional load or loads.

* For the purpose of determining the electrical load to be supplied by the reserve source of energy, the following formula is recommended as a guide:

- $\frac{1}{2}$ of the transmitter current consumption with the key down (mark)
- + $\frac{1}{2}$ of the transmitter current consumption with the key up (space)
- + current consumption of receiver and additional circuits connected to the reserve source of energy.

(o) The reserve source of energy and its switchboard shall be as high as practicable in the ship and readily accessible to the radio officer. The switchboard shall, wherever possible, be situated in a radio room; if it is not, it shall be capable of being illuminated.

(p) While the ship is at sea, accumulator batteries, whether forming part of the main installation or reserve installation, shall be brought up to the normal fully-charged condition daily.

(q) All steps shall be taken to eliminate so far as is possible the causes of, and to suppress, radio interference from electrical and other apparatus on board. If necessary, steps shall be taken to ensure that the aerials attached to broadcast receivers do not cause interference to the efficient or correct working of the radiotelegraph installation. Particular attention shall be paid to this requirement in the design of new ships.

(r) In addition to a means for manually transmitting the radiotelegraph alarm signal, an automatic radiotelegraph alarm signal keying device shall be provided, capable of keying the main and the reserve transmitters so as to transmit the radiotelegraph alarm signal. The device shall be capable of being taken out of operation at any time in order to permit immediate manual operation of the transmitter. If electrically operated, this keying device shall be capable of operation from the reserve source of energy.

(s) At sea, the reserve transmitter, if not used for communications, shall be tested daily using a suitable artificial aerial, and at least once during each voyage using the reserve aerial if installed. The reserve source of energy shall also be tested daily.

(t) All equipments forming part of the radiotelegraph installation shall be reliable, and shall be so constructed that they are readily accessible for maintenance purposes.

(u) Notwithstanding the provision of Regulation 4 of this Chapter, the Administration may, in the case of cargo ships below 1,600 tons gross tonnage, relax the full requirements of Regulation 8 of this Chapter and the present Regulation, provided that the standard of the radiotelegraph station shall in no case fall below the equivalent of that prescribed under Regulation 14 and Regulation 15 of this Chapter for radiotelephone stations, so far as applicable. In particular, in the case of cargo ships of 300 tons gross tonnage and upwards but less than 500 tons gross tonnage, the Administration need not require:—

- (i) a reserve receiver;
- (ii) a reserve source of energy in existing installations;
- (iii) protection of the main aerial against breakage by whipping;
- (iv) the means of communication between the radiotelegraph station and the bridge to be independent of the main communication system;
- (v) the range of the transmitter to be greater than 75 miles.

Regulation 10*Radiotelegraph Auto Alarms*

(a) Any radiotelegraph auto alarm installed after the date of coming into force of the present Convention shall comply with the following minimum requirements:—

- (i) In the absence of interference of any kind it shall be capable of being actuated, without manual adjustment, by any radiotelegraph alarm signal transmitted on the radiotelegraph distress frequency by any coast station, ship's emergency or survival craft transmitter operating in accordance with the Radio Regulations, provided that the strength of the signal at the receiver input is greater than 100 microvolts and less than 1 volt.
- (ii) In the absence of interference of any kind, it shall be actuated by either three or four consecutive dashes when the dashes vary in length from 3.5 to as near 6 seconds as possible and the spaces vary in length between 1.5 seconds and the lowest practicable value, preferably not greater than 10 milliseconds.
- (iii) It shall not be actuated by atmospherics or by any signal other than the radiotelegraph alarm signal, provided that the received signals do not in fact constitute a signal falling within the tolerance limits indicated in (ii).
- (iv) The selectivity of the radiotelegraph auto alarm shall be such as to provide a practically uniform sensitivity over a band extending not less than 4 kc/s and not more than 8 kc/s on each side of the radiotelegraph distress frequency and to provide outside this band a sensitivity which decreases as rapidly as possible in conformity with the best engineering practice.
- (v) If practicable, the radiotelegraph auto alarm shall, in the presence of atmospherics or interfering signals, automatically adjust itself so that within a reasonably short time it approaches the condition in which it can most readily distinguish the radiotelegraph alarm signal.
- (vi) When actuated by a radiotelegraph alarm signal, or in the event of failure of the apparatus, the radiotelegraph auto alarm shall cause a continuous audible warning to be given in the radiotelegraph operating room, in the radio officer's sleeping accommodation and on the bridge. If practicable, warning shall also be given in the case of failure of any part of the whole alarm receiving system. Only one switch for stopping the warning shall be provided and this shall be situated in the radiotelegraph operating room.
- (vii) For the purpose of regularly testing the radiotelegraph auto alarm, the apparatus shall include a generator pre-tuned to the radiotelegraph distress frequency and a keying device by means of

which a radiotelegraph alarm signal of the minimum strength indicated in (i) is produced. A means shall also be provided for attaching headphones for the purpose of listening to signals received on the radiotelegraph auto alarm.

(viii) The radiotelegraph auto alarm shall be capable of withstanding vibration, humidity and changes of temperature, equivalent to severe conditions experienced on board ships at sea, and shall continue to operate under such conditions.

(b) Before a new type of radiotelegraph auto alarm is approved, the Administration concerned shall be satisfied, by practical tests made under operating conditions equivalent to those obtaining in practice, that the apparatus complies with paragraph (a) of this Regulation.

(c) In ships fitted with a radiotelegraph auto alarm, its efficiency shall be tested by a radio officer at least once every 24 hours while at sea. If it is not in working order, the radio officer shall report that fact to the master or officer on watch on the bridge.

(d) A radio officer shall periodically check the proper functioning of the radiotelegraph auto alarm receiver, with its normal aerial connected, by listening to signals and by comparing them with similar signals received on the radiotelegraph distress frequency on the main installation.

(e) As far as practicable, the radiotelegraph auto alarm, when connected to an aerial, shall not affect the accuracy of the direction-finder.

(f) Radiotelegraph auto alarms which do not comply with the requirements of paragraph (a) of this Regulation shall be replaced by radiotelegraph auto alarms which do so comply within four years from the date of coming into force of the present Convention.

Regulation 11

Direction-Finders

(a) The direction-finding apparatus required by Regulation 12 of Chapter V shall be efficient and capable of receiving signals with the minimum of receiver noise and of taking bearings from which the true bearing and direction may be determined.

(b) It shall be capable of receiving signals on the radiotelegraph frequencies assigned by the Radio Regulations for the purposes of distress and direction-finding and for maritime radio beacons.

(c) In the absence of interference the direction-finding apparatus shall have a sensitivity sufficient to permit accurate bearings being taken on a signal having a field strength as low as 50 microvolts per metre.

(d) As far as is practicable, the direction-finding apparatus shall be so located that as little interference as possible from mechanical or other noise will be caused to the efficient determination of bearings.

(e) As far as is practicable, the direction-finding aerial system shall be erected in such a manner that the efficient determination of bearings will be hindered as little as possible by the close proximity of other aerials, derricks, wire halyards or other large metal objects.

(f) An efficient two-way means of calling and voice communication shall be provided between the direction-finder and the bridge.

(g) All direction-finders shall be calibrated to the satisfaction of the Administration on first installation. The calibration shall be verified by check bearings or by a further calibration whenever any changes are made in the position of any aerials or of any structures on deck which might affect appreciably the accuracy of the direction-finder. The calibration particulars shall be checked at yearly intervals, or as near thereto as possible. A record shall be kept of the calibrations and of any checks made of their accuracy.

Regulation 12

Radiotelegraph Installation for Fitting in Motor Lifeboats

(a) The radiotelegraph installation required by Regulation 14 of Chapter III shall include a transmitter, a receiver and a source of energy. It shall be so designed that it can be used in an emergency by an unskilled person.

(b) The transmitter shall be capable of transmitting on the radiotelegraph distress frequency using a class of emission assigned by the Radio Regulations for that frequency. The transmitter shall also be capable of transmitting on the frequency, and of using a class of emission, assigned by the Radio Regulations for use by survival craft in the bands between 4,000 kc/s and 27,500 kc/s.

(c) The transmitter shall, if modulated emission is prescribed by the Radio Regulations, have a depth of modulation of not less than 70 per cent. and a note frequency between 450 and 1,350 cycles per second.

(d) In addition to a key for manual transmissions, the transmitter shall be fitted with an automatic keying device for the transmission of the radiotelegraph alarm and distress signals.

(e) On the radiotelegraph distress frequency the transmitter shall have a minimum normal range (as specified in paragraph (g) of Regulation 9 of this Chapter) of 25 miles using the fixed aerial.*

* In the absence of a measurement of the field strength, it may be assumed that this range will be obtained if the product of the height of the aerial above the water line and the aerial current (R.M.S. value) is 10 metre-amperes.

(f) The receiver shall be capable of receiving the radiotelegraph distress frequency and the classes of emission assigned by the Radio Regulations for that frequency.

(g) The source of energy shall consist of an accumulator battery with sufficient capacity to supply the transmitter for four hours continuously under normal working conditions. If the battery is of a type that requires charging, means shall be available for charging it from the ship's power supply. In addition there shall be a means for charging it after the lifeboat has been launched.

(h) When the power for the radiotelegraph installation and the searchlight required by Regulation 14 of Chapter III are drawn from the same battery, it shall have sufficient capacity to provide for the additional load of the searchlight.

(i) A fixed-type aerial shall be provided together with means for supporting it at the maximum practicable height. In addition an aerial supported by a kite or balloon shall be provided if practicable.

(j) At sea a radio officer shall at weekly intervals test the transmitter using a suitable artificial aerial, and shall bring the battery up to full charge if it is of a type which requires charging.

Regulation 13

Portable Radio Apparatus for Survival Craft

(a) The apparatus required by Regulation 13 of Chapter III shall include a transmitter, a receiver, an aerial and a source of energy. It shall be so designed that it can be used in an emergency by an unskilled person.

(b) The apparatus shall be readily portable, watertight, capable of floating in sea water and capable of being dropped into the sea without damage. New equipment shall be as light-weight and compact as practicable and shall preferably be capable of use in both lifeboats and liferafts.

(c) The transmitter shall be capable of transmitting on the radiotelegraph distress frequency using a class of emission assigned by the Radio Regulations for that frequency, and, in the bands between 4,000 kc/s and 27,500 kc/s, of transmitting on the radiotelegraph frequency, and of using a class of emission, assigned by the Radio Regulations for survival craft. However, the Administration may permit the transmitter to be capable of transmitting on the radiotelephone distress frequency, and of using the class of emission, assigned by the Radio Regulations for that frequency, as an alternative or in addition to transmission on the radiotelegraph frequency assigned by the Radio Regulations for survival craft in the bands between 4,000 kc/s and 27,500 kc/s.

(d) The transmitter shall, if modulated emission is prescribed by the Radio Regulations, have a depth of modulation of not less than 70 per cent. and in the case of radiotelegraph emission have a note frequency between 450 and 1,350 cycles per second.

(e) In addition to a key for manual transmissions, the transmitter shall be fitted with an automatic keying device for the transmission of the radiotelegraph alarm and distress signals. If the transmitter is capable of transmitting on the radiotelephone distress frequency, it shall be fitted with an automatic device, complying with the requirements of paragraph (e) of Regulation 15 of this Chapter, for transmitting the radiotelephone alarm signal.

(f) The receiver shall be capable of receiving the radiotelegraph distress frequency and the classes of emission assigned by the Radio Regulations for that frequency. If the transmitter is capable of transmitting on the radiotelephone distress frequency the receiver shall also be capable of receiving that frequency and the class of emission assigned by the Radio Regulations for that frequency.

(g) The aerial shall be either self-supporting or capable of being supported by the mast of a lifeboat at the maximum practicable height. In addition it is desirable that an aerial supported by a kite or balloon shall be provided if practicable.

(h) The transmitter shall supply an adequate radio frequency power* to the aerial required by paragraph (a) of this Regulation and shall preferably derive its supply from a hand generator. If operated from a battery, the battery shall comply with conditions laid down by the Administration to ensure that it is of a durable type and is of adequate capacity.

(i) At sea a radio officer or a radiotelephone operator, as appropriate, shall at weekly intervals test the transmitter, using a suitable artificial aerial, and shall bring the battery up to full charge if it is of a type which requires charging.

(j) For the purpose of this Regulation, new equipment means equipment supplied to a ship after the date of coming into force of the present Convention.

Regulation 14

Radiotelephone Stations

(a) The radiotelephone station shall be in the upper part of the ship and so located that it is sheltered to the greatest possible extent from noise which might impair the correct reception of messages and signals.

(b) There shall be efficient communication between the radiotelephone station and the bridge.

* It may be assumed that the purposes of this Regulation will be satisfied by the following performance.

At least 10 watts input to the anode of the final stage or a radio-frequency output of at least 2.0 watts (A2 emission) at 500 kc/s into an artificial aerial having an effective resistance of 15 ohms and 100×10^{-12} farads capacitance in series. The depth of modulation shall be at least 70 per cent.

(c) A reliable clock shall be securely mounted in such a position that the entire dial can be easily observed from the radiotelephone operating position.

(d) A reliable emergency light shall be provided, independent of the system which supplies the normal lighting of the radiotelephone installation, and permanently arranged so as to be capable of providing adequate illumination of the operating controls of the radiotelephone installation, of the clock required by paragraph (c) of this Regulation and of the card of instructions required by paragraph (f).

(e) Where a source of energy consists of a battery or batteries, the radiotelephone station shall be provided with a means of assessing the charge condition.

(f) A card of instructions giving a clear summary of the radiotelephone distress procedure shall be displayed in full view of the radiotelephone operating position.

Regulation 15

Radiotelephone Installations

(a) The radiotelephone installation shall include a transmitter, a receiver and a source of energy.

(b) The transmitter shall be capable of transmitting on the radiotelephone distress frequency and on at least one other frequency in the bands between 1,605 kc/s and 2,850 kc/s, using the class of emission assigned by the Radio Regulations for these frequencies. In normal operation the transmitter shall have a depth of modulation of at least 70 per cent. at peak intensity.

(c) (i) In the case of cargo ships of 500 tons gross tonnage and upwards but less than 1,600 tons gross tonnage the transmitter shall have a minimum normal range of 150 miles, *i.e.*, it shall be capable of transmitting clearly perceptible signals from ship to ship by day and under normal conditions and circumstances over this range* (Clearly perceptible signals will normally be received if the R.M.S. value of the field strength produced at the receiver by the unmodulated carrier is at least 25 microvolts per metre):

(ii) In the case of cargo ships of 300 tons gross tonnage and upwards but less than 500 tons gross tonnage—

for existing installations the transmitter shall have a minimum normal range of at least 75 miles;

for new installations the transmitter shall produce a power in the aerial of at least 15 watts (unmodulated carrier).

(d) The transmitter shall be fitted with a device for generating the radiotelephone alarm signal by automatic means. The device shall be capable of being taken out of operation at any time in order to permit the immediate transmission of a distress message. The Administration may delay the

* In the absence of field strength measurements, it may be assumed that this range will be obtained by a power in the aerial of 15 watts (unmodulated carrier) with an aerial efficiency of 27 per cent.

application of the requirement for the device in the case of existing installations for a period not exceeding three years from the date of coming into force of the present Convention.

(e) The device required by paragraph (d) of this Regulation shall comply with the following requirements:—

- (i) The tolerance of the frequency of each tone shall be ± 1.5 per cent.;
- (ii) The tolerance on the duration of each tone shall be ± 50 milliseconds;
- (iii) The interval between successive tones shall not exceed 50 milliseconds;
- (iv) The ratio of the amplitude of the stronger tone to that of the weaker shall be within the range 1 to 1.2.

(f) The receiver required by paragraph (a) of this Regulation shall be capable of receiving the radiotelephone distress frequency and at least one other frequency available for maritime radiotelephone stations in the bands between 1,605 kc/s and 2,850 kc/s, using the class of emission assigned by the Radio Regulations for these frequencies. In addition the receiver shall permit the reception of such other frequencies, using the class of emission assigned by the Radio Regulations, as are used for the transmission by radiotelephony of meteorological messages and such other communications relating to the safety of navigation as may be considered necessary by the Administration. The receiver shall have sufficient sensitivity to produce signals by means of a loudspeaker when the receiver input is as low as 50 microvolts.

(g) The receiver used for maintaining watch on the radiotelephone distress frequency shall be preset to this frequency, or so arranged that setting to the frequency may be carried out in a rapid and precise manner and that, when set to this frequency, the receiver shall not easily be detuned accidentally. The Administration may delay the application of the requirements of this paragraph in the case of existing installations for a period not exceeding three years from the date of coming into force of the present Convention.

(h) To permit rapid change-over from transmission to reception when manual switching is used, the control for the switching device shall, where practicable, be located on the microphone or the telephone handset.

(i) While the ship is at sea, there shall be available at all times a main source of energy sufficient to operate the installation over the normal range required by paragraph (c) of this Regulation. If batteries are provided they shall under all circumstances have sufficient capacity to operate the transmitter and receiver for at least six hours continuously under normal working conditions.* In installations in cargo ships of 500 tons gross tonnage and

* For the purpose of determining the electrical load to be supplied by batteries required to have six hours reserve capacity, the following formula is recommended as a guide:

$\frac{1}{2}$ of the current consumption necessary for speech transmission

+ current consumption of receiver

current consumption of all additional loads to which the batteries may supply energy in time of distress or emergency.

upwards but less than 1,600 tons gross tonnage made on or after 19 November 1952, a reserve source of energy shall be provided in the upper part of the ship unless the main source of energy is so situated.

(j) The reserve source of energy, if provided, may be used only to supply

(i) the radiotelephone installation;

(ii) the emergency light required by paragraph (d) of Regulation 14 of this Chapter; and

(iii) the device required by paragraph (d) of this Regulation, for generating the radiotelephone alarm signal.

(k) Notwithstanding the provisions of paragraph (j) of this Regulation, the Administration may authorise the use of the reserve source of energy, if provided, for a direction-finder, if fitted, and for a number of low-power emergency circuits which are wholly confined to the upper part of the ship, such as emergency lighting on the boat deck, on condition that the additional loads can be readily disconnected, and that the source of energy is of sufficient capacity to carry them.

(l) While at sea, any battery provided shall be kept charged so as to meet the requirements of paragraph (i) of this Regulation.

(m) An aerial shall be provided and installed and, if suspended between supports liable to whipping, shall in the case of ships of 500 tons gross tonnage and upwards but less than 1,600 tons gross tonnage be protected against breakage. In addition, there shall be a spare aerial completely assembled for immediate replacement or, where this is not practicable, sufficient aerial wire and insulators to enable a spare aerial to be erected. The necessary tools to erect an aerial shall also be provided.

PART D.—RADIO LOGS

Regulation 16

Radio Logs

(a) The radio log (diary of the radio service) required by the Radio Regulations for a ship which is fitted with a radiotelegraph station in accordance with Regulation 3 or Regulation 4 of this Chapter shall be kept in the radiotelegraph operating room during the voyage. Every radio officer shall enter in the log his name, the times at which he goes on and off watch, and all incidents connected with the radio service which occur during his watch which may appear to be of importance to safety of life at sea. In addition, there shall be entered in the log:—

(i) the entries required by the Radio Regulations;

- (ii) details of the maintenance, including a record of the charging, of the batteries, in such form as may be prescribed by the Administration;
- (iii) a daily statement that the requirement of paragraph (p) of Regulation 9 of this Chapter has been fulfilled;
- (iv) details of the tests of the reserve transmitter and reserve source of energy made under paragraph (s) of Regulation 9 of this Chapter;
- (v) in ships fitted with a radiotelegraph auto alarm details of tests made under paragraph (c) of Regulation 10 of this Chapter;
- (vi) details of the maintenance of the batteries, including a record of the charging (if applicable) required by paragraph (j) of Regulation 12 of this Chapter, and details of the tests required by that paragraph in respect of the transmitters fitted in motor lifeboats;
- (vii) details of the maintenance of the batteries, including a record of the charging (if applicable) required by paragraph (i) of Regulation 13 of this Chapter, and details of the tests required by that paragraph in respect of portable radio apparatus for survival craft.

(b) The radio log (diary of the radio service) required by the Radio Regulations for a ship which is fitted with a radiotelephone station in accordance with Regulation 4 of this Chapter shall be kept at the place where listening watch is maintained. Every qualified operator, and every master, officer or crew member carrying out a listening watch in accordance with Regulation 7 of this Chapter, shall enter in the log, with his name, the details of all incidents connected with the radio service which occur during his watch which may appear to be of importance to safety of life at sea. In addition, there shall be entered in the log:—

- (i) the details required by the Radio Regulations;
- (ii) the time at which listening watch begins when the ship leaves port, and the time at which it ends when the ship reaches port;
- (iii) the time at which listening watch is for any reason discontinued, together with the reason, and the time at which listening watch is resumed;
- (iv) details of the maintenance of the batteries (if provided), including a record of the charging required by paragraph (l) of Regulation 15 of this Chapter;
- (v) details of the maintenance of the batteries, including a record of the charging (if applicable) required by paragraph (i) of Regulation 13 of this Chapter, and details of the tests required by that paragraph in respect of portable radio apparatus for survival craft.

(c) Radio logs shall be available for inspection by the officers authorised by the Administration to make such inspection.

CHAPTER V.—SAFETY OF NAVIGATION**Regulation 1***Application*

This Chapter, unless otherwise expressly provided in this Chapter, applies to all ships on all voyages, except ships of war and ships solely navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the St. Lambert Lock at Montreal in the Province of Quebec, Canada.

Regulation 2*Danger Messages*

(a) The master of every ship which meets with dangerous ice, a dangerous derelict, or any other direct danger to navigation, or a tropical storm, or encounters sub-freezing air temperatures associated with gale force winds causing severe ice accretion on superstructures, or winds of force 10 or above on the Beaufort scale for which no storm warning has been received, is bound to communicate the information by all the means at his disposal to ships in the vicinity, and also to the competent authorities at the first point on the coast with which he can communicate. The form in which the information is sent is not obligatory. It may be transmitted either in plain language (preferably English) or by means of the International Code of Signals. It should be broadcast to all ships in the vicinity and sent to the first point on the coast to which communication can be made, with a request that it be transmitted to the appropriate authorities.

(b) Each Contracting Government will take all steps necessary to ensure that when intelligence of any of the dangers specified in paragraph (a) is received, it will be promptly brought to the knowledge of those concerned and communicated to other interested Governments.

(c) The transmission of messages respecting the dangers specified is free of cost to the ships concerned.

(d) All radio messages issued under paragraph (a) of this Regulation shall be preceded by the Safety Signal, using the procedure as prescribed by the Radio Regulations as defined in Regulation 2 of Chapter IV.

Regulation 3*Information required in Danger Messages*

The following information is required in danger messages:—

(a) Ice, Derelicts and other Direct Dangers to Navigation.

(i) The kind of ice, derelict or danger observed;

(ii) the position of the ice, derelict or danger when last observed;

(iii) the time and date (Greenwich Mean Time) when danger last observed.

(b) Tropical Storms (Hurricanes in the West Indies, Typhoons in the China Sea, Cyclones in Indian waters, and storms of a similar nature in other regions).

(i) A statement that a tropical storm has been encountered. This obligation should be interpreted in a broad spirit, and information transmitted whenever the master has good reason to believe that a tropical storm is developing or exists in his neighbourhood.

(ii) Time, date (Greenwich Mean Time) and position of ship when the observation was taken.

(iii) As much of the following information as is practicable should be included in the message:—

—barometric pressure, preferably corrected (stating millibars, inches, or millimetres, and whether corrected or uncorrected);

—barometric tendency (the change in barometric pressure during the past three hours);

—true wind direction;

—wind force (Beaufort scale);

—state of the sea (smooth, moderate, rough, high);

—swell (slight, moderate, heavy) and the true direction from which it comes. Period or length of swell (short, average, long) would also be of value;

—true course and speed of ship.

(c) Subsequent Observations. When a master has reported a tropical or other dangerous storm, it is desirable, but not obligatory, that further observations be made and transmitted hourly, if practicable, but in any case at intervals of not more than three hours, so long as the ship remains under the influence of the storm.

(d) Winds of force 10 or above on the Beaufort scale for which no storm warning has been received.

This is intended to deal with storms other than the tropical storms referred to in paragraph (b); when such a storm is encountered, the message should contain similar information to that listed under paragraph (b) but excluding the details concerning sea and swell.

(e) Sub-freezing air temperatures associated with gale force winds causing severe ice accretion on superstructures.

(i) Time and Date (Greenwich Mean Time).

(ii) Air temperature.

(iii) Sea temperature (if practicable).

(iv) Wind force and direction.

*Examples***Ice**

TTT Ice. Large berg sighted in 4605 N., 4410 W., at 0800 GMT. May 15.

Derelicts

TTT Derelict. Observed derelict almost submerged in 4006 N., 1243 W., at 1630 GMT. April 21.

Danger to Navigation

TTT Navigation. Alpha lightship not on station. 1800 GMT. January 3.

Tropical Storm

TTT Storm. 0030 GMT. August 18. 2204 N., 11354 E. Barometer corrected 994 millibars, tendency down 6 millibars. Wind NW., force 9, heavy squalls. Heavy easterly swell. Course 067, 5 knots.

TTT Storm. Appearances indicate approach of hurricane. 1300 GMT. September 14. 2200 N., 7236 W. Barometer corrected 29.64 inches, tendency down .015 inches. Wind NE., force 8, frequent rain squalls. Course 035, 9 knots.

TTT Storm. Conditions indicate intense cyclone has formed. 0200 GMT. May 4. 1620 N., 9203 E. Barometer uncorrected 753 millimetres, tendency down 5 millimetres. Wind S. by W., force 5. Course 300, 8 knots.

TTT Storm. Typhoon to southeast. 0300 GMT. June 12. 1812 N., 12605 E. Barometer falling rapidly. Wind increasing from N.

TTT Storm. Wind force 11, no storm warning received. 0300 GMT. May 4. 4830 N., 30 W. Barometer corrected 983 millibars, tendency down 4 millibars. Wind SW., force 11 veering. Course 260, 6 knots.

Icing

TTT experiencing severe icing. 1400 GMT. March 2. 69 N., 10 W. Air temperature 18. Sea temperature 29. Wind NE., force 8.

Regulation 4*Meteorological Services*

(a) The Contracting Governments undertake to encourage the collection of meteorological data by ships at sea and to arrange for their examination, dissemination and exchange in the manner most suitable for the purpose of aiding navigation. Administrations shall encourage the use of instruments of a high degree of accuracy, and shall facilitate the checking of such instruments upon request.

(b) In particular, the Contracting Governments undertake to co-operate in carrying out, as far as practicable, the following meteorological arrangements:—

- (i) To warn ships of gales, storms and tropical storms, both by the issue of radio messages and by the display of appropriate signals at coastal points.
- (ii) To issue daily, by radio, weather bulletins suitable for shipping, containing data of existing weather, waves and ice, forecasts and,

when practicable, sufficient additional information to enable simple weather charts to be prepared at sea and also to encourage the transmission of suitable facsimile weather charts.

- (iii) To prepare and issue such publications as may be necessary for the efficient conduct of meteorological work at sea and to arrange, if practicable, for the publication and making available of daily weather charts for the information of departing ships.
 - (iv) To arrange for selected ships to be equipped with tested instruments (such as a barometer, a barograph, a psychrometer, and suitable apparatus for measuring sea temperature) for use in this service, and to take meteorological observations at main standard times for surface synoptic observations (at least four times daily, whenever circumstances permit) and to encourage other ships to take observations in a modified form, particularly when in areas where shipping is sparse; these ships to transmit their observations by radio for the benefit of the various official meteorological services, repeating the information for the benefit of ships in the vicinity. When in the vicinity of a tropical storm, or of a suspected tropical storm, ships should be encouraged to take and transmit their observations at more frequent intervals whenever practicable, bearing in mind navigational preoccupations of ships' officers during storm conditions.
 - (v) To arrange for the reception and transmission by coast radio stations of weather messages from and to ships. Ships which are unable to communicate direct with shore shall be encouraged to relay their weather messages through ocean weather ships or through other ships which are in contact with shore.
 - (vi) To encourage all masters to inform ships in the vicinity and also shore stations whenever they experience a wind speed of 50 knots or more (force 10 on the Beaufort scale).
 - (vii) To endeavour to obtain a uniform procedure in regard to the international meteorological services already specified, and, as far as is practicable, to conform to the Technical Regulations and recommendations made by the World Meteorological Organization, to which the Contracting Governments may refer for study and advice any meteorological question which may arise in carrying out the present Convention.
- (c) The information provided for in this Regulation shall be furnished in form for transmission and transmitted in the order of priority prescribed by

the Radio Regulations, and during transmission "to all stations" of meteorological information, forecasts and warnings, all ship stations must conform to the provisions of the Radio Regulations.

(d) Forecasts, warnings, synoptic and other meteorological reports intended for ships shall be issued and disseminated by the national service in the best position to serve various zones and areas, in accordance with mutual arrangements made by the Contracting Governments concerned.

Regulation 5

Ice Patrol Service

(a) The Contracting Governments undertake to continue an ice patrol and a service for study and observation of ice conditions in the North Atlantic. During the whole of the ice season the south-eastern, southern and south-western limits of the regions of icebergs in the vicinity of the Grand Banks of Newfoundland shall be guarded for the purpose of informing passing ships of the extent of this dangerous region; for the study of ice conditions in general; and for the purpose of affording assistance to ships and crews requiring aid within the limits of operation of the patrol ships. During the rest of the year the study and observation of ice conditions shall be maintained as advisable.

(b) Ships and aircraft used for the ice patrol service and the study and observation of ice conditions may be assigned other duties by the managing Government, provided that such other duties do not interfere with their primary purpose or increase the cost of this service.

Regulation 6

Ice Patrol. Management and Cost

(a) The Government of the United States of America agrees to continue the management of the ice patrol service and the study and observation of ice conditions, including the dissemination of information received therefrom. The Contracting Governments specially interested in these services undertake to contribute to the expense of maintaining and operating these services; each contribution to be based upon the total gross tonnage of the vessels of each contributing Government passing through the regions of icebergs guarded by the Ice Patrol; in particular, each Contracting Government specially interested undertakes to contribute annually to the expense of maintaining and operating these services a sum determined by the ratio which the total gross tonnage of that Contracting Government's vessels passing during the ice season through the regions of icebergs guarded by the Ice Patrol bears to the combined total gross tonnage of the vessels of all contributing Governments passing during the ice season through the regions of icebergs guarded by the Ice Patrol. Non-contracting Governments specially interested may contribute to the expense of maintaining and operating these services on the same basis. The managing Government will furnish annually to each contributing Government

a statement of the total cost of maintaining and operating the Ice Patrol and of the proportionate share of each contributing Government.

(b) Each of the contributing Governments has the right to alter or discontinue its contribution, and other interested Governments may undertake to contribute to the expense. The contributing Government which avails itself of this right will continue responsible for its current contribution up to the 1 September following the date of giving notice of intention to alter or discontinue its contribution. To take advantage of the said right it must give notice to the managing Government at least six months before the said 1 September.

(c) If, at any time, the United States Government should desire to discontinue these services, or if one of the contributing Governments should express a wish to relinquish responsibility for its pecuniary contribution, or to have its contribution altered, or another Contracting Government should desire to undertake to contribute to the expense, the contributing Governments shall settle the question in accordance with their mutual interests.

(d) The contributing Governments shall have the right by common consent to make from time to time such alterations in the provisions of this Regulation and of Regulation 5 of this Chapter as appear desirable.

(e) Where this Regulation provides that a measure may be taken after agreement among the contributing Governments, proposals made by any Contracting Government for effecting such a measure shall be communicated to the managing Government which shall approach the other contributing Governments with a view to ascertaining whether they accept such proposals, and the results of the enquiries thus made shall be sent to the other contributing Governments and the Contracting Government making the proposals. In particular, the arrangements relating to contributions to the cost of the services shall be reviewed by the contributing Governments at intervals not exceeding three years. The managing Government shall initiate the action necessary to this end.

Regulation 7

Speed Near Ice

When ice is reported on or near his course the master of every ship at night is bound to proceed at a moderate speed or to alter his course so as to go well clear of the danger zone.

Regulation 8

North Atlantic Routes

(a) The practice of following recognised routes across the North Atlantic in both directions and, in particular, routes in converging areas of both sides of the North Atlantic, has contributed to the avoidance of collisions between ships and with icebergs, and should be recommended to all ships concerned.

(b) The selection of the routes and the initiation of action with regard to them, and the delineation of what constitutes converging areas, is left to the responsibility of the shipping companies concerned. The Contracting Governments will assist the companies, when requested to do so, by placing at their disposal any information bearing on the routes which may be in the possession of the Governments.

(c) The Contracting Governments undertake to impose on the companies the obligations to give public notice of the regular routes which they propose their ships should follow, and of any changes made in these routes. They will also use their influence to induce the owners of all passenger ships crossing the Atlantic to follow the recognised routes, and will do everything in their power to ensure adherence to such routes in the converging areas by all ships, so far as circumstances will permit. They will also induce the owners of all ships crossing the Atlantic bound to or from ports of the United States or Canada via the vicinity of the Grand Banks of Newfoundland to avoid, as far as practicable, the fishing banks of Newfoundland north of latitude 43°N. during the fishing season, and to pass outside regions known or believed to be endangered by ice.

(d) The Government managing the ice patrol service is requested to report to the Administration concerned any passenger ship which is observed not to be on any regular, recognised or advertised route and any ship which crosses the above mentioned fishing banks during the fishing season, or which when proceeding to or from ports of the United States or Canada passes through regions known or believed to be endangered by ice.

Regulation 9

Misuse of Distress Signals

The use of an international distress signal, except for the purpose of indicating that a ship or aircraft is in distress, and the use of any signal which may be confused with an international distress signal, are prohibited on every ship or aircraft.

Regulation 10

Distress Messages—Obligations and Procedures

(a) The master of a ship at sea, on receiving a signal from any source that a ship or aircraft or survival craft thereof is in distress, is bound to proceed with all speed to the assistance of the persons in distress informing them if possible that he is doing so. If he is unable or, in the special circumstances of the case, considers it unreasonable or unnecessary to proceed to their assistance, he must enter in the logbook the reason for failing to proceed to the assistance of the persons in distress.

(b) The master of a ship in distress, after consultation, so far as may be possible, with the masters of the ships which answer his call for assistance, has the right to requisition such one or more of those ships as he considers best able to render assistance, and it shall be the duty of the master or masters of the ship or ships requisitioned to comply with the requisition by continuing to proceed with all speed to the assistance of persons in distress.

(c) The master of a ship shall be released from the obligation imposed by paragraph (a) of this Regulation when he learns that one or more ships other than his own have been requisitioned and are complying with the requisition.

(d) The master of a ship shall be released from the obligation imposed by paragraph (a) of this Regulation, and, if his ship has been requisitioned, from the obligation imposed by paragraph (b) of this Regulation, if he is informed by the persons in distress or by the master of another ship which has reached such persons that assistance is no longer necessary.

(e) The provisions of this Regulation do not prejudice the International Convention for the unification of certain rules with regard to Assistance and Salvage at Sea, signed at Brussels on the 23rd September, 1910, particularly the obligation to render assistance imposed by Article 11 of that Convention.

Regulation 11

Signalling Lamps

All ships of over 150 tons gross tonnage, when engaged on international voyages, shall have on board an efficient daylight signalling lamp which shall not be solely dependent upon the ship's main source of electrical power.

Regulation 12

Radio Direction-Finding Apparatus

(a) All ships of 1,600 tons gross tonnage and upwards, when engaged on international voyages, shall be fitted with radio direction-finding apparatus complying with the provisions of Regulation 11 of Chapter IV.

(b) The Administration may, in areas where it considers it unreasonable or unnecessary for such apparatus to be carried, exempt any ship under 5,000 tons gross tonnage from this requirement, due regard being had to the fact that radio direction-finding apparatus is of value both as a navigational instrument and as an aid to locating ships, aircraft or survival craft.

Regulation 13

Manning

The Contracting Governments undertake, each for its national ships, to maintain, or, if it is necessary, to adopt, measures for the purpose of ensuring that, from the point of view of safety of life at sea, all ships shall be sufficiently and efficiently manned.

Regulation 14*Aids to Navigation*

The Contracting Governments undertake to arrange for the establishment and maintenance of such aids to navigation, including radio beacons and electronic aids as, in their opinion, the volume of traffic justifies and the degree of risk requires, and to arrange for information relating to these aids to be made available to all concerned.

Regulation 15*Search and Rescue*

(a) Each Contracting Government undertakes to ensure that any necessary arrangements are made for coast watching and for the rescue of persons in distress at sea round its coasts. These arrangements should include the establishment, operation and maintenance of such maritime safety facilities as are deemed practicable and necessary having regard to the density of the seagoing traffic and the navigational dangers and should, so far as possible, afford adequate means of locating and rescuing such persons.

(b) Each Contracting Government undertakes to make available information concerning its existing rescue facilities and the plans for changes therein, if any.

Regulation 16*Life-Saving Signals*

The following signals shall be used by life-saving stations and maritime rescue units when communicating with ships or persons in distress and by ships or persons in distress when communicating with life-saving stations and maritime rescue units. The signals used by aircraft engaged in search and rescue operations to direct ships are indicated in sub-paragraph (d) below. An illustrated table describing the signals listed below shall be readily available to the officer of the watch of every ship to which this Chapter applies.

(a) *Replies from life-saving stations or maritime rescue units to distress signals made by a ship or person :—*

<i>Signal</i>	<i>Signification</i>
By day—Orange smoke signal or combined light and sound signal (thunderlight) consisting of three single signals which are fired at intervals of approximately one minute.	"You are seen—assistance will be given as soon as possible." (Repetition of such signals shall have the same meaning.)
By night—White star rocket consisting of three single signals which are fired at intervals of approximately one minute.	

If necessary the day signals may be given at night or the night signals by day.

(b) *Landing signals for the guidance of small boats with crews or persons in distress :—*

Signal

Signification

By day—Vertical motion of a white flag or the arms or firing of a green star-signal or signalling the code letter " K " (— · —) given by light or sound-signal apparatus.

By night—Vertical motion of a white light or flare, or firing of a green star-signal or signalling the code letter " K " (— · —) given by light or sound-signal apparatus. A range (indication of direction) may be given by placing a steady white light or flare at a lower level and in line with the observer.

" This is the best place to land."

By day—Horizontal motion of a white flag or arms extended horizontally or firing of a red star-signal or signalling the code letter " S " (···) given by light or sound-signal apparatus.

By night—Horizontal motion of a white light or flare or firing of a red star-signal or signalling the code letter " S " (···) given by light or sound-signal apparatus.

" Landing here highly dangerous."

By day—Horizontal motion of a white flag, followed by the placing of the white flag in the ground and the carrying of another white flag in the direction to be indicated or firing of a red star-signal vertically and a white star-signal in the direction towards the better landing place or signalling the code letter " S " (···) followed by the code letter " R " (·—·) if a better landing place for the craft in distress is located more to the right in the

" Landing here highly dangerous. A more favourable location for landing is in the direction indicated."

*Signal**Signification*

direction of approach or signalling the code letter "L" (·—··) if a better landing place for the craft in distress is located more to the left in the direction of approach.

By night—Horizontal motion of a white light or flare, followed by the placing of the white light or flare on the ground and the carrying of another white light or flare in the direction to be indicated or firing of a red star-signal vertically and a white star-signal in the direction towards the better landing place or signalling the code letter "S" (··) followed by code letter "R" (·—··) if a better landing place for the craft in distress is located more to the right in the direction of approach or signalling the code letter "L" (·—··) if a better landing place for the craft in distress is located more to the left in the direction of approach.

"Landing here highly dangerous. A more favourable location for landing is in the direction indicated."

(c) *Signals to be employed in connection with the use of shore life-saving apparatus:—*

*Signal**Signification*

By day—Vertical motion of a white flag or the arms or firing of a green star-signal.

By night—Vertical motion of a white light or flare or firing of a green star-signal.

In general—"Affirmative."

Specifically:—

"Rocket line is held."

"Tail block is made fast."

"Hawser is made fast."

"Man is in the breeches buoy."

"Haul away."

By day—Horizontal motion of a white flag or arms extended horizontally or firing of a red star-signal.

By night—Horizontal motion of a white light or flare or firing of a red star-signal.

In general—"Negative."

Specifically:—

"Slack away."

"Avast hauling."

(d) *Signals used by aircraft engaged on search and rescue operations to direct ships towards an aircraft, ship or person in distress (see explanatory NOTE below):—*

(i) The following procedures performed in sequence by an aircraft mean that the aircraft is directing a surface craft towards an aircraft or a surface craft in distress:—

- (1) circling the surface craft at least once;
 - (2) crossing the projected course of the surface craft close ahead at a low altitude, opening and closing the throttle or changing the propeller pitch;
 - (3) heading in the direction in which the surface craft is to be directed.
- Repetition of such procedures has the same meaning.

(ii) The following procedure performed by an aircraft means that the assistance of the surface craft to which the signal is directed is no longer required:—

—crossing the wake of the surface craft close astern at a low altitude, opening and closing the throttle or changing the propeller pitch.

NOTE: Advance notification of changes in these signals will be given by the Organization as necessary.

Regulation 17

Pilot Ladders

Ships engaged on voyages in the course of which pilots are likely to be employed shall comply with the following requirements respecting pilot ladders:—

- (a) The ladder shall be kept in good order and for use only by officials and other persons while a ship is arriving at or leaving a port, and for embarkation and disembarkation of pilots.
- (b) The ladder shall be secured in a position so that each step rests firmly against the ship's side and so that the pilot can gain safe and convenient access to the ship after climbing not less than 5 feet (or 1·5 metres) and not more than 30 feet (or 9 metres). A single length of ladder shall be used capable of reaching sea level in all normal conditions of trim of the ship. Whenever the distance from sea level to the point of access to the ship is more than 30 feet (or 9 metres), access from the pilot ladder to the ship shall be by means of an accommodation ladder or other equally safe and convenient means.
- (c) The treads of the ladder shall be not less than 19 inches (or 48 centimetres) long, 4½ inches (or 11·4 centimetres) wide and 1 inch (or 2·5 centimetres) in depth. Steps shall be joined in such a manner as will provide a ladder of adequate strength whose treads are maintained in a horizontal position and not less than 12 inches (or 30·5 centimetres) or more than 15 inches (or 38 centimetres) apart.
- (d) A man-rope, properly secured, and a safety line shall be available and ready for use if required.
- (e) Arrangements shall be such that:
 - (i) The rigging of the ladder and the embarkation and disembarkation of a pilot is supervised by a responsible officer of the ship.

(ii) Handholds are provided to assist the pilot to pass safely and conveniently from the head of the ladder into the ship or on to the ship's deck.

(f) If necessary spreaders shall be provided at such intervals as will prevent the ladder from twisting.

(g) At night a light shining overside shall be available and used and the deck at the position where the pilot boards the ship shall be adequately lit.

(h) Ships with rubbing bands or other ships whose construction makes it impossible to comply fully with the provision that the ladder shall be secured at a place where each step will rest firmly against the ship's side shall comply with this provision as closely as possible.

CHAPTER VI.—CARRIAGE OF GRAIN**Regulation 1***Application*

Unless expressly provided otherwise, this Chapter applies to the carriage of grain in all ships to which the present Regulations apply.

Regulation 2*Definition*

The term "grain" includes wheat, maize (corn), oats, rye, barley, rice, pulses and seeds.

Regulation 3*Trimming*

Where grain is loaded in a ship, all necessary and reasonable precautions shall be taken to prevent the grain from shifting. If any hold or compartment is entirely filled with bulk grain, the grain shall be trimmed so as to fill all the spaces between the beams and in the wings and ends.

Regulation 4*Stowage of full holds and compartments*

Subject to the provisions of Regulation 6 of this Chapter, if any hold or compartment is entirely filled with bulk grain it shall be divided either by a longitudinal bulkhead or shifting boards in line with, or not more than 5 per cent. of the moulded breadth of the ship from, the centre line or by longitudinal bulkheads or shifting boards off the centre line of the ship provided that the distance between them shall not exceed 60 per cent. of the moulded breadth of the ship and that in the latter case trimming hatches of suitable size shall be provided in the wings at longitudinal intervals of not more than 25 feet (or 7·62 metres) with end trimming hatches placed not more than 12 feet (or 3·66 metres) from transverse bulkheads. In every case the longitudinal bulkheads or shifting boards shall be properly constructed and fitted grain-tight with proper fillings between the beams. In holds such longitudinal bulkheads or shifting boards shall extend downwards from the underside of the deck to a distance of at least one-third of the depth of the hold or 8 feet (or 2·44 metres) whichever is the greater. In compartments in 'tween decks and superstructures they shall extend from deck to deck. In all cases the longitudinal bulkheads or shifting boards shall extend to the top of the feeders of the hold or compartment in which they are situated.

Provided that in the case of ships loaded with bulk grain other than linseed in which a metacentric height (after correction for the free surface effects of liquids in tanks) is maintained throughout the voyage of not less than 12 inches (or 0·31 metres) in the case of one or two deck ships and not less than 14 inches (or 0·36 metres) in the case of other ships, longitudinal bulkheads or shifting boards need not be fitted:—

- (a) below and within 7 feet (or 2·13 metres) of a feeder, but only in way of a hatchway, if that feeder contains, or all the feeders collectively feeding a compartment contain, not less than 5 per cent. of the quantity of grain carried in the compartment which is fed;
- (b) in feeders which meet the requirements of paragraph (a) of this Regulation and which have such dimensions that the free grain surface will remain within the feeders throughout the voyage after allowing for a sinkage of grain amounting to 2 per cent. of the volume of the compartment fed and a shift of the free grain surface to an angle of 12 degrees to the horizontal; in this case the possible effects of the above mentioned movement of the free grain surfaces within the feeders shall be taken into account in calculating the metacentric height given above;
- (c) in way of the hatchway where the bulk grain beneath the hatchway is trimmed in the form of a saucer hard up to the deckhead beyond the hatchway and is topped off with bagged grain or other suitable bagged cargo extending to a height in the centre of the saucer of not less than 6 feet (or 1·83 metres) above the top of the bulk grain (measured below the deck line); the bagged grain or other suitable bagged cargo shall fill the hatchway and the saucer below and shall be stowed tightly against the deckhead, the longitudinal bulkheads, the hatchway beams and the hatchway side and end coamings.

Regulation 5

Stowage of partly filled holds and compartments

Subject to the provisions of Regulation 6 of this Chapter, if any hold or compartment is partly filled with bulk grain:—

- (a) it shall be divided by a longitudinal bulkhead or shifting boards, in line with, or not more than 5 per cent. of the moulded breadth of the ship from, the centre line or by longitudinal bulkheads or shifting boards off the centre line of the ship provided that the distance between them shall not exceed 60 per cent. of the moulded breadth of the ship. In every case the longitudinal bulkheads or shifting boards shall be properly constructed and shall extend from the bottom of the hold or deck, as the case may be, to a height of not less than 2 feet (or 0·61 metres) above the surface of the bulk grain.

Provided that, except in the case of holds partly filled with linseed in bulk, longitudinal bulkheads or shifting boards need not

be fitted in way of the hatchway in the case of ships in which a metacentric height (after correction for the free surface effects of liquids in tanks) is maintained throughout the voyage of not less than 12 inches (or 0·31 metres) in the case of one or two deck ships and not less than 14 inches (or 0·36 metres) in the case of other ships;

- (b) the bulk grain shall be levelled and topped off with bagged grain or other suitable cargo tightly stowed and extending to a height of not less than 4 feet (or 1·22 metres) above the top of the bulk grain within spaces divided by such a longitudinal bulkhead or shifting boards, and not less than 5 feet (or 1·52 metres) within spaces not so divided. The bagged grain or other suitable cargo shall be supported on suitable platforms laid over the whole surface of the bulk grain; such platforms shall consist of bearers spaced not more than 4 feet (or 1·22 metres) apart and 1 inch (or 25 millimetres) boards laid thereon spaced not more than 4 inches (or 0·10 metres) apart or of strong separation cloths with adequate overlapping.

Regulation 6

Exceptions to the requirements for longitudinal bulkheads

The fitting of longitudinal bulkheads or shifting boards in accordance with the provisions of Regulations 4 and 5 of this Chapter shall not be required:—

- (a) in a lower hold (which term also includes the lower part of the hold of a single-deck ship) if the bulk grain therein does not exceed one-third of the capacity of the hold, or where such lower hold is divided by a shaft tunnel, one-half the capacity of that lower hold;
- (b) in any space in a 'tween deck or superstructure provided that the wings are tightly stowed with bagged grain or other suitable cargo to a breadth on each side of not less than 20 per cent. of the breadth of the ship in way thereof; and
- (c) in those parts of spaces where the maximum breadth of the deckhead within the said spaces does not exceed one-half of the moulded breadth of the ship.

Regulation 7

Feeders

(a) (i) Any hold or compartment which is entirely filled with bulk grain shall be fed by suitably placed and properly constructed feeders, except as otherwise provided in paragraph (c) of Regulation 4 and Regulations 8 and 12 of this Chapter so as to secure a free flow of grain from the feeder to all parts of that hold or compartment.

(ii) Each feeder shall contain not less than 2 per cent. of the quantity of grain carried in that part of the hold or compartment that it feeds except as otherwise provided for in paragraph (a) of Regulation 4 of this Chapter.

(b) When bulk grain is carried in deep tanks primarily constructed for the carriage of liquids to which paragraph (c) of Regulation 6 of this Chapter applies or that are divided by one or more permanent steel longitudinal divisions fitted grain-tight, feeders to the tanks may be omitted if the tanks and tank hatchways are completely filled and the hatch covers secured.

Regulation 8

Common Loading

For the purpose of Regulations 4 and 7 of this Chapter lower holds and 'tween deck spaces over them may be loaded as one compartment under the following conditions:—

(a) longitudinal bulkheads or shifting boards shall be fitted deck to deck in the 'tween deck of a ship having two decks; in all other cases the longitudinal bulkheads or shifting boards shall be fitted for the upper third of the total depth of the common spaces;

(b) in order to secure an adequate flow of grain all spaces shall comply with the requirements of Regulation 9 of this Chapter and openings shall be provided in the wings of the deck immediately below the uppermost deck forward and aft of the ends of the hatchways as necessary to provide in combination with the hatchways a maximum feeding distance of 8 feet (or 2·44 metres) measured in a fore and aft line.

Regulation 9

Trimming and bagging of end spaces

When the distance, measured in a fore and aft line, from any part of a hold or compartment to the nearest feeder exceeds 25 feet (or 7·62 metres) the bulk grain in the end spaces beyond 25 feet (or 7·62 metres) from the nearest feeder shall be levelled off at a depth of at least 6 feet (or 1·83 metres) below the deck, and the end spaces filled with bagged grain built up on a suitable platform as required in paragraph (b) of Regulation 5 of this Chapter.

Regulation 10

Bulk grain in 'tween decks and superstructures

Bulk grain shall not be carried above deck, in the 'tween deck of a two deck ship, or in the uppermost 'tween deck of a ship having more than two decks except under the following conditions:—

- (a) the bulk grain or other cargo shall be stowed so as to ensure maximum stability: in all cases either a metacentric height (after correction for the free surface effects of liquids in tanks) shall be maintained throughout the voyage of not less than 12 inches (or 0·31 metres) in the case of one or two deck ships and 14 inches (or 0·36 metres) in the case of other ships or, alternatively, the aggregate quantity of bulk grain or other cargo carried above deck, in the 'tween deck spaces of a two deck ship or in the uppermost 'tween deck spaces of a ship having more than two decks shall not exceed 28 per cent. by weight of the total cargo below the 'tween deck where the master is satisfied that the ship will have adequate stability throughout the voyage; the limitation of 28 per cent. specified above shall not apply when the grain carried above deck or in the uppermost 'tween deck spaces is oats, barley or cotton seed;
- (b) the deck area of any portion of the spaces referred to in this Regulation which contains bulk grain and which is only partly filled shall not exceed 1,000 square feet (or 93 square metres); and
- (c) all spaces referred to in this Regulation in which bulk grain is stowed shall be subdivided by transverse bulkheads at intervals of not more than 100 feet (or 30·50 metres); when this distance is exceeded the excess space shall be entirely filled with bagged grain or other suitable cargo.

Regulation 11

Limitation on number of partly filled holds and compartments

Except in the case of ships in which a metacentric height (after correction for the free surface effects of liquids in tanks) is maintained throughout the voyage of not less than 12 inches (or 0·31 metres) in the case of one or two deck ships and not less than 14 inches (or 0·36 metres) in the case of other ships, not more than two holds or compartments shall be partly filled with bulk grain, except that other holds or compartments may be partly filled with bulk grain if they are filled up to the deckhead with bagged or other suitable cargo. For the purpose of this Regulation:—

- (a) superimposed 'tween decks shall be regarded as separate compartments and separate from any lower hold below them;
- (b) feeders and the partly filled spaces referred to in paragraph (b) of Regulation 10 of this Chapter shall not be regarded as compartments; and
- (c) holds or compartments provided with one or more grain-tight longitudinal divisions shall be regarded as one hold or compartment.

Regulation 12*Stowage of specially suitable ships*

(a) Notwithstanding anything contained in Regulations 4 to 11 of this Chapter, bulk grain may be carried without regard to the requirements specified therein in ships which are constructed with two or more vertical or sloping grain-tight longitudinal divisions suitably disposed to limit the effect of any transverse shift of grain under the following conditions:—

- (i) as many holds and compartments as possible shall be full and trimmed full;
 - (ii) for any specified arrangement of stowage the ship will not list to an angle greater than 5 degrees at any stage of the voyage where:—
 - (1) in holds or compartments which have been trimmed full the grain surface settles 2 per cent. by volume from the original surface and shifts to an angle of 12 degrees with that surface under all boundaries of these holds and compartments which have an inclination of less than 30 degrees to the horizontal; and
 - (2) in partly filled holds or compartments free grain surfaces settle and shift as in sub-paragraph (ii) (1) of this paragraph or to such larger angle as may be deemed necessary by the Administration, or by a Contracting Government on behalf of the Administration, and grain surfaces if overstowed in accordance with Regulation 5 of this Chapter shift to an angle of 8 degrees with the original levelled surfaces. For the purposes of sub-paragraph (ii) of this paragraph shifting boards if fitted will be considered to limit the transverse shift of the surface of the grain;
 - (iii) the master is provided with a grain loading plan covering the stowage arrangements to be adopted and a stability booklet, both approved by the Administration, or by a Contracting Government on behalf of the Administration, showing the stability conditions upon which the calculations given in sub-paragraph (ii) of this paragraph are based.
- (b) The Administration, or a Contracting Government on behalf of the Administration, shall prescribe the precautions to be taken against shifting in all other conditions of loading of ships designed in accordance with paragraph (a) of this Regulation which meet the requirements of sub-paragraphs (ii) and (iii) of that paragraph.
- (c) The Administration, or a Contracting Government on behalf of the Administration, shall prescribe the precautions to be taken against shifting in a ship of any other design which meets the requirements of sub-paragraphs (ii) and (iii) of paragraph (a) of this Regulation.

Regulation 13*Water ballast tanks*

Double bottom tanks which are used to meet a stability requirement in ships loading bulk grain shall have adequate watertight longitudinal subdivision except where the width of the tank measured at half length does not exceed 60 per cent. of the ship's moulded breadth.

Regulation 14*Bagged grain*

Bagged grain shall be carried in sound bags which shall be well filled and securely closed.

Regulation 15*Grain loading plans*

(a) A grain loading plan approved for a ship whether by the Administration or by a Contracting Government on behalf of the Administration shall be accepted by other Contracting Governments as evidence that the ship when loaded in accordance with such plans meets the requirements of this Chapter or equivalent arrangements which have been accepted under Regulation 5 of Chapter I.

(b) Such plan shall be approved after taking into account the requirements of this Chapter, the various circumstances of loading on departure and arrival, and the stability of the ship. It shall indicate the main characteristics of the fittings used to prevent the shifting of cargo.

(c) Such plan shall be annotated in one or more languages of which one shall be one of the Convention languages.

(d) A copy of such plan shall be supplied to the master of the ship, who if so required shall produce it for the inspection of the appropriate authority of the port in which loading takes place.

(e) Pending the adoption of international regulations concerning the strength of grain fittings and the provision of feeding holes in hatch coamings, a ship loading grain which does not produce a grain loading plan approved by the Administration, or by a Contracting Government on behalf of the Administration, shall load in accordance with detailed rules issued to supplement the provisions of this Chapter by the Contracting Government of the country in which the loading port is situated.

Regulation 16*Exemptions for certain voyages*

The Administration, or a Contracting Government on behalf of the Administration, may, if it considers that the sheltered nature and conditions of the voyage are such as to render the application of any of the requirements of Regulations 3 to 15 of this Chapter unreasonable or unnecessary, exempt from those particular requirements individual ships or classes of ships.

CHAPTER VII.—CARRIAGE OF DANGEROUS GOODS**Regulation 1***Application*

(a) Unless expressly provided otherwise, this Chapter applies to the carriage of dangerous goods in all ships to which the present Regulations apply.

(b) The provisions of this Chapter do not apply to ship's stores and equipment or to particular cargoes carried in ships specially built or converted as a whole for that purpose, such as tankers.

(c) The carriage of dangerous goods is prohibited except in accordance with the provisions of this Chapter.

(d) To supplement the provisions of this Chapter each Contracting Government shall issue, or cause to be issued, detailed instructions on the safe packing and stowage of specific dangerous goods or categories of dangerous goods which shall include any precautions necessary in their relation to other cargo.

Regulation 2*Classification*

Dangerous goods shall be divided into the following classes:—

Class 1—Explosives.

Class 2—Gases: compressed, liquefied or dissolved under pressure.

Class 3—Inflammable liquids.

Class 4 (a)—Inflammable solids.

Class 4 (b)—Inflammable solids, or substances, liable to spontaneous combustion.

Class 4 (c)—Inflammable solids, or substances, which in contact with water emit inflammable gases.

Class 5 (a)—Oxidizing substances.

Class 5 (b)—Organic peroxides.

Class 6 (a)—Poisonous (toxic) substances.

Class 6 (b)—Infectious substances.

Class 7—Radioactive substances.

Class 8—Corrosives.

Class 9—Miscellaneous dangerous substances, that is any other substance which experience has shown, or may show, to be of such a dangerous character that the provisions of this Chapter should apply to it.

Regulation 3*Packing*

(a) The packing of dangerous goods shall be (i) well made and in good condition; (ii) of such a character that any interior surface with which the contents may come in contact is not dangerously affected by the substance being conveyed and (iii) capable of withstanding the ordinary risks of handling and carriage by sea.

(b) Where the use of absorbent or cushioning material is customary in the packing of liquids in receptacles that material shall be (i) capable of minimising the dangers to which the liquid may give rise, (ii) so disposed as to prevent movement and ensure that the receptacle remains surrounded and (iii) where reasonably possible of sufficient quantity to absorb the liquid in the event of breakage of the receptacle.

(c) Receptacles containing dangerous liquids shall have an ullage at the filling temperature sufficient to allow for the highest temperature during the course of normal carriage.

(d) Cylinders or receptacles for gases under pressure shall be adequately constructed, tested, maintained and correctly filled.

(e) Empty receptacles which have been used previously for the carriage of dangerous goods shall themselves be treated as dangerous goods unless they have been cleaned and dried or, when the nature of the former contents permit with safety, have been closed securely.

Regulation 4*Marking and Labelling*

Each receptacle containing dangerous goods shall be marked with the correct technical name (trade names shall not be used) and identified with a distinctive label or stencil of the label so as to make clear the dangerous character. Each receptacle shall be so labelled except receptacles containing chemicals packed in limited quantities and large shipments which can be stowed, handled and identified as a unit.

Regulation 5*Documents*

(a) In all documents relating to the carriage of dangerous goods by sea where the goods are named the correct technical name of the goods shall be used (trade names shall not be used) and the correct description given in accordance with the classification set out in Regulation 2 of this Chapter.

(b) The shipping documents prepared by the shipper shall include, or be accompanied by, a certificate or declaration that the shipment offered for carriage is properly packed, marked and labelled and in proper condition for carriage.

(c) Each ship carrying dangerous goods shall have a special list or manifest setting forth, in accordance with Regulation 2 of this Chapter, the dangerous goods on board and the location thereof. A detailed stowage plan which identifies by class and sets out the location of all dangerous goods on board may be used in place of such special list or manifest.

Regulation 6

Temporary exceptions to Regulations 4 and 5

Contracting Governments which have a uniform system of rules for land and sea transport relating to the carriage of dangerous goods and cannot therefore immediately apply the provisions of Regulations 4 and 5 of this Chapter may authorise departures from the provisions of those Regulations for a period not exceeding twelve months from the date on which the Convention comes into force, provided that dangerous goods as classified in Regulation 2 of this Chapter are also so classified in the shipping documents and are labelled accordingly.

Regulation 7

Stowage Requirements

(a) Dangerous goods shall be stowed safely and appropriately according to the nature of the goods. Incompatible goods shall be segregated from one another.

(b) Explosives (except ammunition) which present a serious risk shall be stowed in a magazine which shall be kept securely closed while at sea. Such explosives shall be segregated from detonators. Electrical apparatus and cables in any compartment in which explosives are carried shall be designed and used so as to minimise the risk of fire or explosion.

(c) Goods which give off dangerous vapours shall be stowed in a well ventilated space or on deck.

(d) In ships carrying inflammable liquids or gases special precautions shall be taken where necessary against fire or explosion.

(e) Substances which are liable to spontaneous heating or combustion shall not be carried unless adequate precautions have been taken to prevent the outbreak of fire.

Regulation 8*Explosives in Passenger Ships*

(a) In passenger ships the following explosives only may be carried:—

- (i) safety cartridges and safety fuses;
- (ii) small quantities of explosives not exceeding 20 pounds (or 9 kilogrammes) total net weight;
- (iii) distress signals for use in ships or aircraft, if the total weight of such signals does not exceed 2,240 pounds (or 1,016 kilogrammes);
- (iv) except in ships carrying unberthed passengers, fireworks which are unlikely to explode violently.

(b) Notwithstanding the provisions of paragraph (a) of this Regulation additional quantities or types of explosives may be carried in passenger ships in which there are special safety measures approved by the Administration.

CHAPTER VIII.—NUCLEAR SHIPS**Regulation 1***Application*

This Chapter applies to all nuclear ships except ships of war.

Regulation 2*Application of other Chapters*

The Regulations contained in the other Chapters of the present Convention apply to nuclear ships except as modified by this Chapter.

Regulation 3*Exemptions*

A nuclear ship shall not, in any circumstances, be exempted from compliance with any Regulations of this Convention.

Regulation 4*Approval of Reactor Installation*

The design, construction and standards of inspection and assembly of the reactor installation shall be subject to the approval and satisfaction of the Administration and shall take account of the limitations which will be imposed on surveys by the presence of radiation.

Regulation 5*Suitability of Reactor Installation for Service on Board Ship*

The reactor installation shall be designed having regard to the special conditions of service on board ship both in normal and exceptional circumstances of navigation.

Regulation 6*Radiation Safety*

The Administration shall take measures to ensure that there are no unreasonable radiation or other nuclear hazards, at sea or in port, to the crew, passengers or public, or to the waterways or food or water resources.

Regulation 7*Safety Assessment*

(a) A Safety Assessment shall be prepared to permit evaluation of the nuclear power plant and safety of the ship to ensure that there are no unreasonable radiation or other hazards, at sea or in port, to the crew, passengers or public, or to the waterways or food or water resources. The Administration, when satisfied, shall approve such Safety Assessment which shall always be kept up-to-date.

(b) The Safety Assessment shall be made available sufficiently in advance to the Contracting Governments of the countries which a nuclear ship intends to visit so that they may evaluate the safety of the ship.

Regulation 8*Operating Manual*

A fully detailed Operating Manual shall be prepared for the information and guidance of the operating personnel in their duties on all matters relating to the operation of the nuclear power plant and having an important bearing on safety. The Administration, when satisfied, shall approve such Operating Manual and a copy shall be kept on board the ship. The Operating Manual shall always be kept up-to-date.

Regulation 9*Surveys*

Survey of nuclear ships shall include the applicable requirements of Regulation 7 of Chapter I, or of Regulations 8, 9 and 10 of Chapter I, except in so far as surveys are limited by the presence of radiation. In addition, the surveys shall include any special requirements of the Safety Assessment. They shall in all cases, notwithstanding the provisions of Regulations 8 and 10 of Chapter I, be carried out not less frequently than once a year.

Regulation 10*Certificates*

(a) The provisions of paragraph (a) of Regulation 12 of Chapter I and of Regulation 14 of Chapter I shall not apply to nuclear ships.

(b) A Certificate, called a Nuclear Passenger Ship Safety Certificate shall be issued after inspection and survey to a nuclear passenger ship which complies with the requirements of Chapters II, III, IV and VIII, and any other relevant requirements of the present Regulations.

(c) A Certificate, called a Nuclear Cargo Ship Safety Certificate shall be issued after inspection and survey to a nuclear cargo ship which satisfies the requirements for cargo ships on survey set out in Regulation 10 of Chapter I, and complies with the requirements of Chapters II, III, IV and VIII, and any other relevant requirements of the present Regulations.

(d) Nuclear Passenger Ship Safety Certificates and Nuclear Cargo Ship Safety Certificates shall state: "That the ship, being a nuclear ship, complied with all requirements of Chapter VIII of the Convention and conformed to the Safety Assessment approved for the ship".

(e) Nuclear Passenger Ship Safety Certificates and Nuclear Cargo Ship Safety Certificates shall be valid for a period of not more than 12 months.

(f) Nuclear Passenger Ship Safety Certificates and Nuclear Cargo Ship Safety Certificates shall be issued either by the Administration or by any person or organization duly authorised by it. In every case, that Administration assumes full responsibility for the certificate.

Regulation 11

Special Control

In addition to the control established by Regulation 19 of Chapter I, nuclear ships shall be subject to special control before entering the ports and in the ports of Contracting Governments, directed towards verifying that there is on board a valid Nuclear Ship Safety Certificate and that there are no unreasonable radiation or other hazards at sea or in port, to the crew, passengers or public, or to the waterways or food or water resources.

Regulation 12

Casualties

In the event of any accident likely to lead to an environmental hazard the master of a nuclear ship shall immediately inform the Administration. The master shall also immediately inform the competent Governmental authority of the country in whose waters the ship may be, or whose waters the ship approaches in a damaged condition.

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APPENDIX

Form of Safety Certificate for Passenger Ships

PASSENGER SHIP SAFETY CERTIFICATE

(Official Seal)

(Country)

for $\frac{\text{an}}{\text{a short}}$ international voyage.

Issued under the provisions of the

INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1960

Name of Ship	Distinctive Number or Letters	Port of Registry	Gross Tonnage	Particulars of voyages, if any, sanctioned under Regulation 27 (c) (vi) of Chapter III	Date on which keel was laid (see NOTE below)
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The (Name) Government certifies
 I, the undersigned (Name) certify

I. That the above-mentioned ship has been duly surveyed in accordance with the provisions of the Convention referred to above.

II. That the survey showed that the ship complied with the requirements of the Regulations annexed to the said Convention as regards:—

- (1) the structure, main and auxiliary boilers and other pressure vessels and machinery;
- (2) the watertight subdivision arrangements and details;
- (3) the following subdivision loadlines:—

Subdivision loadlines assigned and marked on the ship's side at amidships (Regulation 11 of Chapter II)	Freeboard	To apply when the spaces in which passengers are carried included the following alternative spaces
C. 1
C. 2
C. 3

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III. That the life-saving appliances provide for a total number of persons and no more, viz.:—

.....lifeboats (includingmotor lifeboats) capable of accommodating persons, and motor lifeboats fitted with radiotelegraph installation and searchlight (included in the total lifeboats shown above) and motor lifeboats fitted with searchlight only (also included in the total lifeboats shown above), requiringcertificated lifeboatmen;

.....liferrafts, for which approved launching devices are required, capable of accommodating persons; and

.....liferrafts, for which approved launching devices are not required, capable of accommodating persons;

.....buoyant apparatus capable of supporting persons;

.....lifebuoys;

.....lifejackets.

IV. That the lifeboats and liferafts were equipped in accordance with the provisions of the Regulations.

V. That the ship was provided with a line-throwing appliance and portable radio apparatus for survival craft in accordance with the provisions of the Regulations.

VI. That the ship complied with the requirements of the Regulations as regards radiotelegraph installations, viz.:—

	Requirements of Regulation	Actual provision
Hours of listening by operator
Number of operators
Whether auto alarm fitted
Whether main installation fitted
Whether reserve installation fitted
Whether main and reserve transmitters electrically separated or combined
Whether direction-finder fitted
Number of passengers for which certificated

VII. That the functioning of the radiotelegraph installations for motor lifeboats and/or the portable radio apparatus for survival craft, if provided, complied with the provisions of the Regulations.

VIII. That the ship complied with the requirements of the Regulations as regards fire-detecting and fire-extinguishing appliances and was provided with navigation lights and shapes, pilot ladder, and means of making sound

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signals and distress signals, in accordance with the provisions of the Regulations and also the International Collision Regulations.

IX. That in all other respects the ship complied with the requirements of the Regulations, so far as these requirements apply thereto.

This certificate is issued under the authority of the _____ Government.
It will remain in force until _____

Issued at _____ the _____ day of _____ 19 .

Here follows the seal or signature of the authority entitled to issue the certificate.

(Seal)

If signed, the following paragraph is to be added:—

The undersigned declares that he is duly authorised by the said Government to issue this Certificate.

(Signature)

NOTE.—It will be sufficient to indicate the year in which the keel was laid except for 1952 and the year of the coming into force of the International Convention for the Safety of Life at Sea, 1960, in which cases the actual date should be given.

In the case of a ship which is converted as provided in Regulation 1 (b) (i) of Chapter II of the Convention, the date on which the work of conversion was begun should be given.

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Form of Safety Construction Certificate for Cargo Ships
CARGO SHIP SAFETY CONSTRUCTION CERTIFICATE

(Official Seal)

(Country)

Issued under the provisions of the

INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1960

Name of Ship	Distinctive Number or Letters	Port of Registry	Gross Tonnage	Date on which keel was laid (see NOTE below)

The

(Name) Government certifies

I, the undersigned

(Name) certify

That the above-mentioned ship has been duly surveyed in accordance with the provisions of Regulation 10 of Chapter I of the Convention referred to above, and that the survey showed that the condition of the hull, machinery and equipment, as defined in the above Regulation, was in all respects satisfactory and that the ship complied with the applicable requirements of Chapter II (other than that relating to fire extinguishing appliances and fire control plans).

This certificate is issued under the authority of the
 Government. It will remain in force until

Issued at the day of 19 .

Here follows the seal or signature of the authority entitled to issue the certificate.

(Seal)

If signed, the following paragraph is to be added:—

The undersigned declares that he is duly authorised by the said Government to issue this certificate.

(Signature)

NOTE.—It will be sufficient to indicate the year in which the keel was laid except for 1952 and the year of the coming into force of the International Convention for the Safety of Life at Sea, 1960, in which cases the actual date should be given.

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Form of Safety Equipment Certificate for Cargo Ships

CARGO SHIP SAFETY EQUIPMENT CERTIFICATE

(Official Seal)

(Country)

Issued under the provisions of the

INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1960

Name of Ship	Distinctive Number or Letters	Port of Registry	Gross Tonnage	Date on which keel was laid (see NOTE below)

The
I, the undersigned

(Name) Government certifies
(Name) certify

I. That the above-mentioned ship has been duly inspected in accordance with the provisions of the Convention referred to above.

II. That the inspection showed that the life-saving appliances provided for a total number of _____ persons and no more viz:—

_____ lifeboats on port side capable of accommodating _____ persons;

_____ lifeboats on starboard side capable of accommodating _____ persons;

_____ motor lifeboats (included in the total lifeboats shown above), including _____ motor lifeboats fitted with radio-telegraph installation and searchlight, and _____ motor lifeboats fitted with searchlight only;

_____ liferafts, for which approved launching devices are required, capable of accommodating _____ persons; and

_____ liferafts, for which approved launching devices are not required, capable of accommodating _____ persons;

_____ lifebuoys;

_____ lifejackets.

NOTE.—It will be sufficient to indicate the year in which the keel was laid except for 1952 and the year of the coming into force of the International Convention for the Safety of Life at Sea, 1960, in which cases the actual date should be given.

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III. That the lifeboats and liferafts were equipped in accordance with the provisions of the Regulations annexed to the Convention.

IV. That the ship was provided with a line-throwing apparatus and portable radio apparatus for survival craft in accordance with the provisions of the Regulations.

V. That the inspection showed that the ship complied with the requirements of the said Convention as regards fire-extinguishing appliances and fire control plans and was provided with navigation lights and shapes, pilot ladder, and means of making sound signals and distress signals, in accordance with the provisions of the Regulations and the International Collision Regulations.

VI. That in all other respects the ship complied with the requirements of the Regulations so far as these requirements apply thereto.

This certificate is issued under the authority of the Government. It will remain in force until

Issued at the day of 19 .

Here follows the seal or signature of the authority entitled to issue the certificate.

(Seal)

If signed, the following paragraph is to be added:—

The undersigned declares that he is duly authorised by the said Government to issue this certificate.

(Signature)

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Form of Safety Radiotelephony Certificate for Cargo Ships

CARGO SHIP SAFETY RADIOTELEPHONY CERTIFICATE

(Official Seal)

(Country)

Issued under the provisions of the

INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1960

Name of Ship	Distinctive Number or Letters	Port of Registry	Gross Tonnage	Date on which keel was laid (see NOTE below)
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The _____ (Name) Government certifies
I, the undersigned _____ (Name) certify

I. That the above-mentioned ship complies with the provisions of the Regulations annexed to the Convention referred to above as regards Radiotelephony:—

	Requirements of Regulations	Actual provision
Hours of listening		
Number of operators		

II. That the functioning of the portable radio apparatus for survival craft, if provided, complies with the provisions of the said Regulations.

This certificate is issued under the authority of the Government. It will remain in force until

Issued at _____ the _____ day of _____ 19 .

Here follows the seal or signature of the authority entitled to issue this certificate.

(Seal)

If signed, the following paragraph is to be added:—

The undersigned declares that he is duly authorised by the said Government to issue this certificate.

(Signature)

NOTE.—It will be sufficient to indicate the year in which the keel was laid except for 1952 and the year of the coming into force of the International Convention for the Safety of Life at Sea, 1960, in which cases the actual date should be given.

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Form of Safety Radiotelegraphy Certificate for Cargo Ships

(Official Seal)

(Country)

Issued under the provisions of the

INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1960

Name of Ship	Distinctive Number or Letters	Port of Registry	Gross Tonnage	Date on which keel was laid (see NOTE below)

The _____ (Name) Government certifies
I, the undersigned _____ (Name) certify

I. That the above-mentioned ship complies with the provisions of the Regulations annexed to the Convention referred to above as regards Radiotelegraphy:—

	Requirements of Regulations	Actual provision
Hours of listening by operator
Number of operators
Whether auto alarm fitted
Whether main installation fitted
Whether reserve installation fitted
Whether main and reserve transmitters electrically separated or combined
Whether direction-finder fitted

11. That the functioning of the radiotelegraphy installations for motor lifeboats and/or the portable radio apparatus for survival craft, if provided, complies with the provisions of the said Regulations.

This certificate is issued under the authority of the Government. It will remain in force until

Issued at the day of 19

Here follows the seal or signature of the authority entitled to issue this certificate.

(Seal)

If signed, the following paragraph is to be added:—

The undersigned declares that he is duly authorised by the said Government to issue this certificate.

(Signature)

NOTE.—It will be sufficient to indicate the year in which the keel was laid except for 1952 and the year of the coming into force of the International Convention for the Safety of Life at Sea, 1960, in which cases the actual date should be given.

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Form of Exemption Certificate

EXEMPTION CERTIFICATE

(Official Seal)

(Country)

Issued under the provisions of the

INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1960

Name of Ship	Distinctive Number or Letters	Port of Registry	Gross Tonnage

The (Name) Government certifies
 I, the undersigned (Name) certify

That the above-mentioned ship is, under the authority conferred by Regulation of Chapter of the Regulations annexed to the Convention referred to above, exempted from the requirements of + of the Convention on the voyages to

* Insert here the
 conditions, if any, on
 which the exemption
 certificate is granted. }

This certificate is issued under the authority of the Government. It will remain in force until

Issued at the day of 19 ..

Here follows the seal or signature of the authority entitled to issue this certificate.

(Seal)

If signed, the following paragraph is to be added:—

The undersigned declares that he is duly authorised by the said Government to issue this certificate.

(Signature)

† Insert here references to Chapters and Regulations, specifying particular paragraphs.

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Form of Safety Certificate for Nuclear Passenger Ships

NUCLEAR PASSENGER SHIP SAFETY CERTIFICATE

(Official Seal)

(Country)

Issued under the provisions of the

INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1960

Name of Ship	Distinctive Number or Letters	Port of Registry	Gross Tonnage	Particulars of voyages, if any, sanctioned under Regulation 27 (c) (vi) of Chapter III	Date on which keel was laid (see NOTE below)

The
I, the undersigned

(Name) Government certifies
(Name) certify

I. That the above-mentioned ship has been duly surveyed in accordance with the provisions of the Convention referred to above.

II. That the ship, being a nuclear ship, complied with all requirements of Chapter VIII of the Convention and conformed to the Safety Assessment approved for the ship.

III. That the survey showed that the ship complied with the requirements of the Regulations annexed to the said Convention as regards:—

- (1) the structure, main and auxiliary boilers and other pressure vessels and machinery;
- (2) the watertight subdivision arrangements and details;
- (3) the following subdivision loadlines:—

Subdivision loadlines assigned and marked on the ship's side at amidships (Regulation 11 of Chapter II)	Freeboard	To apply when the spaces in which passengers are carried include the following alternative spaces
C. 1
C. 2
C. 3

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IV. That the life-saving appliances provided for a total number of persons and no more; viz.:—

..... lifeboats (including motor lifeboats) capable of accommodating persons, and motor lifeboats fitted with radiotelegraph installation and searchlight (included in the total lifeboats shown above) and motor lifeboats fitted with searchlight only (also included in the total lifeboats shown above), requiring certificated lifeboatmen;

..... liferafts, for which approved launching devices are required, capable of accommodating persons; and

..... liferafts, for which approved launching devices are not required, capable of accommodating persons;

..... buoyant apparatus capable of supporting persons;

..... lifebuoys;

..... lifejackets.

V. That the lifeboats and liferafts were equipped in accordance with the provisions of the Regulations.

VI. That the ship was provided with a line-throwing appliance and portable radio apparatus for survival craft, in accordance with the provisions of the Regulations.

VII. That the ship complied with the requirements of the Regulations as regards radiotelegraph installations, viz.:—

	Requirements of Regulation	Actual provision
Hours of listening by operator
Number of operators
Whether auto alarm fitted
Whether main installation fitted
Whether reserve installation fitted
Whether main and reserve transmitters electrically separated or combined
Whether direction-finder fitted
Number of passengers for which certificated

VIII. That the functioning of the radiotelegraph installations for motor lifeboats and/or the portable radio apparatus for survival craft, if provided, complied with the provisions of the Regulations.

IX. That the ship complied with the requirements of the Regulations as regards fire-detecting and fire-extinguishing appliances and was provided with

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navigation lights and shapes, pilot ladder, and means of making sound signals and distress signals, in accordance with the provisions of the Regulations and also the International Collision Regulations.

X. That in all other respects the ship complied with the requirements of the Regulations, so far as these requirements apply thereto.

This certificate is issued under the authority of the Government. It will remain in force until

Issued at the day of 19

Here follows the seal or signature of the authority entitled to issue the certificate.

(Seal)

If signed, the following paragraph is to be added:—

The undersigned declares that he is duly authorised by the said Government to issue this certificate.

(Signature)

NOTE.—It will be sufficient to indicate the year in which the keel was laid except for 1952 and the year of the coming into force of the International Convention for the Safety of Life at Sea, 1960, in which cases the actual date should be given.

In the case of a ship which is converted as provided in Regulation 1 (b) (i) of Chapter II, the date on which the work of conversion was begun should be given.

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Form of Safety Certificate for Nuclear Cargo Ships

NUCLEAR CARGO SHIP SAFETY CERTIFICATE

(Official Seal)

(Country)

Issued under the provisions of the
INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1960

Name of Ship	Distinctive Number or Letters	Port of Registry	Gross Tonnage	Date on which keel was laid (see NOTE below)

The
I, the undersigned

(Name) Government certifies
(Name) certify

I. That the above-mentioned ship has been duly surveyed in accordance with the provisions of the Convention referred to above.

II. That the ship, being a nuclear ship, complied with all requirements of Chapter VIII of the Convention and conformed to the Safety Assessment approved for the ship.

III. That the survey showed that the ship satisfied the requirements set out in Regulation 10 of Chapter I of the Convention as to hull, machinery and equipment, and complied with the relevant requirements of Chapter II.

IV. That the life-saving appliances provide for a total number of..... persons and no more, viz.:—

..... lifeboats on port side capable of accommodating..... persons;

..... lifeboats on starboard side capable of accommodating..... persons;

..... motor lifeboats (included in the total lifeboats shown above), including..... motor lifeboats fitted with radio-telegraph installation and searchlight, and..... motor lifeboats fitted with searchlight only;

..... liferafts, for which approved launching devices are required, capable of accommodating..... persons; and

..... liferafts for which approved launching devices are not required, capable of accommodating..... persons;

..... lifebuoys;

..... lifejackets.

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V. That the lifeboats and liferafts were equipped in accordance with the provisions of the Regulations annexed to the Convention.

VI. That the ship was provided with a line-throwing apparatus and portable radio apparatus for survival craft in accordance with the provisions of the Regulations.

VII. That the ship complied with the requirements of the Regulations as regards radiotelegraph installations, viz.:—

	Requirements of Regulations	Actual provision
Hours of listening by operator
Number of operators
Whether auto alarm fitted
Whether main installation fitted
Whether reserve installation fitted
Whether main and reserve transmitters electrically separated or combined
Whether direction-finder fitted

VIII. That the functioning of the radiotelegraph installations for motor lifeboats and/or the portable radio apparatus for survival craft, if provided, complied with the provisions of the Regulations.

IX. That the inspection showed that the ship complied with the requirements of the said Convention as regards fire-extinguishing appliances and was provided with navigation lights and shapes, pilot ladder, and means of making sound signals and distress signals in accordance with the provisions of the Regulations and the International Collision Regulations.

X. That in all other respects the ship complied with the requirements of the Regulations so far as these requirements apply thereto.

This certificate is issued under the authority of the Government. It will remain in force until

Issued at the day of 19 .

Here follows the seal or signature of the authority entitled to issue the certificate.

(Seal)

If signed, the following paragraph is to be added:—

The undersigned declares that he is duly authorised by the said Government to issue this certificate.

(Signature)

NOTE.—It will be sufficient to indicate the year in which the keel was laid except for 1952 and the year of coming into force of the International Convention for the Safety of Life at Sea, 1960, in which cases the actual date should be given.

App.

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COAST GUARD DISTRICT COMMANDERS AND MERCHANT MARINE ACTIVITIES

<i>District</i>	<i>Title</i>	<i>City</i>	<i>State</i>	<i>Address</i>
1st	Commander, 1st Coast Guard District. Chief, Merchant Marine Safety Division. Officer in Charge, Marine Inspection.	Boston	Massachusetts, 02109.	1400 Customhouse.
		do	do	Do.
		do	do	447 Commercial St.
		Portland	Maine, 04112.	P.O. Box 108, Pearl Street Station.
		Providence	Rhode Island, 02903.	409 Federal Bldg.
2d	Commander, 2d Coast Guard District. Chief, Merchant Marine Safety Division. Officer in Charge, Marine Inspection.	St. Louis	Missouri, 63103.	Federal Bldg., 1520 Market St.
		do	do	Do.
		do	do	Do.
		Cairo	Illinois, 62914.	P.O. Box 391.
		Dubuque	Iowa, 52003.	Box 065.
		Cincinnati	Ohio, 45202.	Room 8413, Federal Office Bldg., 550 Main St.
		Louisville	Kentucky, 40202.	254 Francis Bldg., 4th and Chestnut Sts.
		Memphis	Tennessee, 38103.	856 Federal Bldg., 167 North Main St.
		Nashville	Tennessee, 37203.	670 U.S. Court House, 801 Broadway.
		Pittsburgh	Pennsylvania, 15222.	1215 Park Bldg.
3d	Commander, 3d Coast Guard District. Chief, Merchant Marine Safety Division. Officer in Charge, Marine Inspection.	Huntington	West Virginia, 25701.	328 Post Office and Federal Court House Bldg., 5th Ave. and 9th St.
		New York	New York, 10004.	Customhouse.
		do	do	Do.
		do	do	720 Customhouse.
		New London	Connecticut, 06321.	302 Post Office Bldg.
5th	Commander, 5th Coast Guard District. Chief, Merchant Marine Safety Division. Officer in Charge, Marine Inspection.	Albany	New York, 12207.	313 Federal Bldg.
		Philadelphia	Pennsylvania, 19106.	Customhouse.
		Portsmouth	Virginia, 23705.	Federal Bldg., 431 Crawford St.
		do	do	Do.
		do	do	202 Federal Bldg.
7th	Commander, 7th Coast Guard District. Chief, Merchant Marine Safety Division. Officer in Charge, Marine Inspection.	Wilmington	North Carolina, 28401.	101-105 Customhouse.
		Baltimore	Maryland, 21233.	Customhouse.
		Miami	Florida, 33130.	Room 1203, Federal Bldg., 51 S.W. 1st Ave.
		do	do	Do.
		do	do	Room 1202, Federal Bldg., 51 S.W. 1st Ave.
		Tampa	Florida, 33601.	316 Franklin St., P.O. Box 3172.
		Charleston	South Carolina, 29401.	32 U.S. Customhouse, East Bay and Market Sts.
		Savannah	Georgia, 31402.	P.O. Box 191.
		Jacksonville	Florida, 32201.	210 Federal Bldg., P.O. Box 4968.
		San Juan	Puerto Rico, 00904.	302 Federal Bldg., P.O. Box 3666.

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<i>District</i>	<i>Title</i>	<i>City</i>	<i>State</i>	<i>Address</i>
8th....	Commander, 8th Coast Guard District.	New Orleans..	Louisiana, 70130...	Customhouse.
	Chief, Merchant Marine Safety Division.	do.....	do.....	Do.
	Officer in Charge, Marine Inspection.	do.....	do.....	310 Customhouse, 423 Canal St.
	do.....	Mobile.....	Alabama, 36602....	563 Federal Bldg.
	do.....	Port Arthur....	Texas, 77641.....	General Delivery.
	do.....	Galveston.....	Texas, 77550.....	232 Customhouse.
	do.....	Corpus Christi.	Texas, 78401.....	101 Federal Bldg.
9th....	do.....	Houston.....	Texas, 77011.....	7300 Wingate St.
	Commander, 9th Coast Guard District.	Cleveland.....	Ohio, 44113.....	Main Post Office Bldg., West 3d and Prospect Sts.
	Chief, Merchant Marine Safety Division.	do.....	do.....	Do.
	Officer in Charge, Marine Inspection.	do.....	Ohio, 44114.....	1055 East Ninth St.
	do.....	Buffalo.....	New York, 14203...	440 Federal Bldg., 121 Ellicott St.
	do.....	Oswego.....	New York, 13126...	205 Federal Bldg.
	do.....	Detroit.....	Michigan, 48226...	424 Federal Bldg.
	do.....	Duluth.....	Minnesota, 55802...	311 Federal Bldg.
	do.....	Toledo.....	Ohio, 43604.....	Federal Bldg., 234 Summit St.
	do.....	Saint Ignace..	Michigan, 49781...	Municipal Bldg.
11th....	do.....	Chicago.....	Illinois, 60617...	10101 So. Ewing Ave.
	do.....	Ludington.....	Michigan, 49431...	National Bank Bldg.
	do.....	Milwaukee.....	Wisconsin, 53203...	Room 400, 135 W. Wells St.
	Commander, 11th Coast Guard District.	Long Beach...	California, 90802...	Heartwell Bldg., 19 Pine Ave.
	Chief, Merchant Marine Safety Division.	do.....	do.....	Do.
	Officer in Charge, Marine Inspection.	Wilmington...	California, 90744...	(Los Angeles-Long Beach), Center Bldg., 750 N. Broad Ave.
	do.....	San Diego.....	California, 92101...	Room 12A, Broadway Pier.
12th....	Commander, 12th Coast Guard District.	San Francisco..	California, 94501...	630 Sansome St.
	Chief, Merchant Marine Safety Division.	do.....	do.....	Do.
	Officer in Charge, Marine Inspection.	do.....	California, 94126...	Station B, Box 2029.
13th....	Commander, 13th Coast Guard District.	Seattle.....	Washington, 98104.	618 2d Ave.
	Chief, Merchant Marine Safety Division.	do.....	do.....	Do.
	Officer in Charge, Marine Inspection.	do.....	do.....	Do.
	do.....	Portland.....	Oregon, 97204...	Room 202, Lincoln Bldg., 208 SW. 5th Ave.
14th....	Commander, 14th Coast Guard District.	Honolulu.....	Hawaii, 96814....	1347 Kapiolani Blvd.
	Chief, Merchant Marine Safety Division.	do.....	Hawaii, 96813....	610 Fort Street.
	Officer in Charge, Marine Inspection.	do.....	do.....	Do.
	do.....	Guam.....		Marianas.
17th....	Commander, 17th Coast Guard District.	Juneau.....	Alaska, 99801....	P.O. Box 2631.
	Chief, Merchant Marine Safety Division.	do.....	do.....	Do.
	Officer in Charge, Marine Inspection.	do.....	do.....	Do.
	do.....	Anchorage....	Alaska, 99501....	P.O. Box 1286.

<i>Merchant marine details</i>	<i>Local addresses</i>
LONDON-----	Commander, Coast Guard Activities, Europe Staff Box 5, 7, North Audley Street, London, W.1., England.
BREMEN-----	Merchant Marine Detail Officer, USCG American Consulate General, 1, Praesident Kennedy Platz, BREMEN, Germany.
NAPLES-----	Merchant Marine Detail Officer, USCG American Consulate General, Piazza Principe di Napoli, NAPLES, Italy.
ATHENS-----	Merchant Marine Detail Officer, USCG American Embassy, ATHENS, Greece.
ROTTERDAM-----	Merchant Marine Detail Officer, USCG American Consulate General, Vlasmarkt 1, ROTTERDAM, Netherlands.
YOKOHAMA-----	Merchant Marine Detail Officer, USCG North Pier, YOKOHAMA, Japan.

